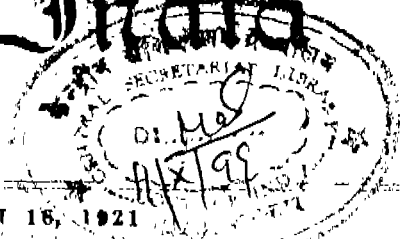




भारत का राजपत्र The Gazette of India

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सं० 32]

नई दिल्ली, शनिवार, अगस्त 7, 1999/श्रावण 16, 1921

No. 32]

NEW DELHI SATURDAY, AUGUST 7, 1999/SRAVANA 16, 1921

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेशों और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय
(पुनर्वास प्रभाग)

नई दिल्ली, 14 जुलाई, 1999

MINISTRY OF HOME AFFAIRS
(Rehabilitation Division)

New Delhi, the 14th July, 1999

का.आ. 2209—विस्थापित व्यक्ति (अतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा हरियाणा सरकार के पुनर्वास विभाग में संयुक्त सचिव, श्री समीर माथुर को, उक्त अधिनियम के द्वारा अथवा उसके अधीन एक बंदोबस्त आयुक्त को सौंपे गये कार्यों का निष्पादन करने के उद्देश्य में, हरियाणा राज्य में बंदोबस्त आयुक्त के रूप में नियुक्त करती है।

2. इसके द्वारा दिनांक 2 फरवरी, 1999 की अधिसूचना सं. 1(7)/विशेष सेल/88-एस.एस. 2 एस. (ए) का अधिक्रमण किया जाता है।

[सं. 1(1)/99-बंदोबस्त]
फूल सिंह, निदेशक (प्रार.-1)

S.O. 2209.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the 'Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Samir Mathur, Joint Secretary in the Rehabilitation Department of Government of Haryana, as Settlement Commissioner in the State of Haryana for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act.

2. This supersedes Notification No. 1(7)/Spl. Cell/88-SS. II(S(A), dated the 2nd February, 1999.

[No. 1(1)/99-Settlement]
PHOOL SINGH, Director (R. D)

नई दिल्ली, 14 जुलाई, 1999

का.आ. 2210.—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा मूखे प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, एस.के. चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त, एतद्द्वारा उक्त अधिनियम के अन्तर्गत बनाये गये नियम 87, 88, 90(1)(क), 90(1)(ख), 90(1)(ग), 90(12) तथा 101 के अधीन प्रयोग किये जाने के लिये बंदोबस्त आयुक्त की शक्तियां प्रयोग कर रहे श्री समीर माथुर, संयुक्त सचिव, पुनर्वास विभाग, हरियाणा सरकार को क्षतिपूर्ति फल के एक भाग फरीदाबाद, एन.आई.टी. सहित सभी भूमि व सम्पत्ति जिसे प्रशासकीय व वित्तीय प्रबंधों के अन्तर्गत हरियाणा सरकार को अंतरित किया गया था, के निपटान हेतु शक्तियां सौंपता हूँ।

2. इसे अधिसूचना सं. 1(7)/विशेष कक्ष/88-एस.एस. II(ख), दिनांक 2-2-1999 के अधिक्रमण में जारी किया जाता है।

[सं. 1(1)/99-बंदोबस्त]

एस.के. चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त

New Delhi, the 14th July, 1999

S.O. 2210.—In exercise of the powers conferred on me under Sub-Section 2 of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, S. K. Chattopadhyay, Chief Settlement Commissioner hereby delegate powers under Rules 87, 88, 90(1)(a), 90(1)(b), 90(1)(g), 90(12) and 101 framed under the said Act, to Shri Samir Mathur, Joint Secretary in the Rehabilitation Department of the Government Haryana, exercising the powers of Settlement Commissioner for the purpose of disposal of all lands and properties including those in Faridabad N.I.T. forming part of the compensation pool which was transferred to the Government of Haryana, under Administrative and Financial arrangements.

2. This supersedes Notification No. 1(7)/Spl. Cell/88-SS. II(B), dated 2nd February, 1999.

[No. 1(1)/99/Settlement]

S. K. CHATTOPADHYAY, Chief Settlement Commissioner

नई दिल्ली, 14 जुलाई, 1999

का.आ. 2211.—निष्क्रांत संपत्ति प्रबंध अधिनियम, 1950 (1950 का XXXI) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा हरियाणा सरकार के पुनर्वास विभाग के संयुक्त सचिव, श्री समीर माथुर, प्र.से. को, उक्त अधिनियम के द्वारा अथवा उसके

अधीन एक सहायक महाभिरक्षक को सौंपे गये कार्यों का निष्पादन करने के प्रयोजन से, हरियाणा राज्य में स्थित निष्क्रांत संपत्ति के सहायक महाभिरक्षक के रूप में नियुक्त करती है।

2. इसके द्वारा दिनांक 2 फरवरी, 1999 की अधिसूचना सं. 1(7) विशेष सेल/88-एस.एस. II एस. (डी.) का अधिक्रमण किया जाता है।

[सं. 1(1)/99-बंदोबस्त]

फल सिंह, निदेशक (आर. I)

New Delhi, the 14th July, 1999

S.O. 2211.—In exercise of the powers conferred by Section 5 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Central Government hereby appoint Shri Samir Mathur, IAS, Joint Secretary, Rehabilitation Department, Government of Haryana as the Assistant Custodian General of Evacuee Property situated in the State of Haryana for the purpose of discharging the duties imposed on such Assistant Custodian General by or under the said Act.

2. The supersedes Notification No. 1(7)/Spl. Cell/88-SS. II(S(D), dated the 2nd February, 1999.

[No. 1(1)/99-Settlement]

PHOOL SINGH, Director (R. I)

नई दिल्ली, 14 जुलाई, 1999

का.आ. 2212.—निष्क्रांत संपत्ति प्रबंध अधिनियम 1950 (1950 का 31) की धारा 55 की उपधारा 3 द्वारा मूखे, महाभिरक्षक के रूप में प्रदत्त शक्तियों का प्रयोग करते हुये, मैं, एस.के. चट्टोपाध्याय, महाभिरक्षक एतद्द्वारा अधिसूचना सं. 1(1) 99-बंदोबस्त, दिनांक 14-7-99 के अधीन नियुक्त किये गये सहायक महाभिरक्षक को हरियाणा राज्य के लिये महाभिरक्षक की निम्नलिखित शक्तियां सौंपता हूँ :—

- (1) उक्त अधिनियम की धारा 24 एवं 27 के अन्तर्गत शक्तियां।
- (2) अधिनियम की धारा 16(2)(b) के अन्तर्गत किसी निष्क्रांत संपत्ति के हस्तांतरण का अनुमोदन करने की शक्तियां।
- (3) निष्क्रांत संपत्ति प्रबंध (केन्द्रीय) नियम, 1955 के नियम 30-क के अन्तर्गत मामलों के हस्तांतरण की शक्तियां।

2. इसके द्वारा दिनांक 2-2-1999 की अधिसूचना सं. 1(7)/विशेष कक्ष/88 एस.एस. II(ड) का अधिक्रमण किया जाता है।

[सं. 1(1)/99-बंदोबस्त]

एस.के. चट्टोपाध्याय, महाभिरक्षक

New Delhi, the 14th July, 1999

S.O. 2212.—In exercise of the powers conferred on me as Custodian General by Sub-Section 3 of Section 55 of the Administration of Evacuee Property

Act, 1950 (31 of 1950), I, S.K. Chattopadhyay, Custodian General, hereby delegate to the Assistant Custodian General for the State of Haryana appointed vide Notification No. 1(1)/99-Settlement, dated 14th July, 1999 the following powers of the Custodian General :—

- (i) Powers under Section 24 and 27 of the Act.
- (ii) Powers of approval of transfer of any evacuee property under Section 10(2)(0) of the Act.
- (iii) Powers of transfer of cases under Rule 30-A of the Administration of Evacuee Property (Central) Rules, 1955.

2 This supersedes Notification No. 1(7)/Spl. Cell/88-SS-II/(E), dated the 2nd February, 1999.

[No. 1(1)/99-Settlement]

S. K. CHATTOPADHYAY, Custodian General

नई दिल्ली, 14 जुलाई, 1999

का.आ. 2213—विस्थापित व्यक्ति (प्रतिकर तथा पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उपधारा (2) द्वारा मुझे प्रदत्त शक्तियों का प्रयोग करते हुये, मैं, एस.के. चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त, बंदोबस्त आयुक्त की शक्तियों का प्रयोग कर रहे, श्री समीर माथुर, संयुक्त सचिव, पुनर्वास विभाग, हरियाणा सरकार, को हरियाणा राज्य में स्थित शर्माण व शहरी निश्चान भूमि तथा सम्पत्तियों के संबंध में ऐसी शक्तियों का प्रयोग करने हेतु उक्त नियम की धारा 23, 24, 28 एवं 35 के अधीन मुख्य बंदोबस्त आयुक्त की शक्तियां प्रत्यायोजित करना हूं।

2. इसके द्वारा दिनांक 2-2-1999 की अधिसूचना सं. 1(7) विशेष कक्ष/88-एम.एस. II(ख) का अधिक्रमण किया जाता है।

[सं. 1(1)/99-बंदोबस्त]

एस.के. चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त

New Delhi, the 14th July, 1999

S.O. 2213.—In exercise of the powers conferred on me under Sub-Section 2 of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I, S. K. Chattopadhyay, Chief Settlement Commissioner do hereby delegate to Shri Samir Mathur, Joint Secretary in the Rehabilitation Department of the Government of Haryana, exercising the powers of Settlement Commissioner, the powers conferred on the Chief Settlement Commissioner under Section 23, 24, 28 and 35 of the said Act in so far as such powers may be exercised in respect of rural and urban evacuee lands and properties situated in Haryana State.

2. This supersedes Notification No. 1(7)/Spl. Cell/88-SS. II(B), dated 2nd February, 1999.

[No. 1(1)/99-Settlement]

S. K. CHATTOPADHYAY, Chief Settlement Commissioner

कार्मिक लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 8 जुलाई, 1999

का.आ. 2214 :—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बिहार राज्य सरकार के गृह (पुलिस) विभाग को दिनांक 16-3-99 की अधिसूचना सं. 3001/एच(पी) द्वारा प्राप्त बिहार राज्य सरकार की सहमति से आगम कक्षा (सुल्तानगंज पटना, बिहार पुलिस स्टेशन में दर्ज मामला सं. 271/94 दिनांक 6-10-94 के संबंध में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 279 प्रो. 338 के अधीन दंडनीय अपराधों तथा उपर्युक्त अपराधों से संबंधित अथवा संसक्त प्रयत्नों दुष्प्रेरणों, और षड्यंत्रों तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथा अथवा तथ्यों से उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण बिहार राज्य पर करती है।

[सं. 228/74/95-ए.पी.डी.-II]

हरि सिंह, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC

GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 8th July, 1999

S.O. 2214.—In exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the Government of Bihar vide Home (Police) Department Notification No. 3001/H(P) dated 16th March, 1999, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Bihar for investigation of offences punishable under Section 279 and 338 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and attempt, abetments and conspiracy in relation to or in connection with the said offences and any other offence or offences committed in the course of the same transaction, arising out of the same facts in regard to the case No. 271/94 dated 6-10-94, registered at Police Station, Agam Kuan (Sultanganj), Patna, Bihar.

[No. 228/74/95-AVD. II]

HARI SINGH, Under Secy.

नई दिल्ली, 19 जुलाई, 1999

का.आ. 2215 :—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 25 की उपधारा (1-ए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री एम.जे. शिवरामाकृष्णा को किसी राज्य

अथवा संघ राज्य क्षेत्र जिस पर पूर्वोक्त धारा के उपबन्ध लागू होता है, में सजायित व्यक्तियों में दिवसी विशेष पुलिस स्थापना द्वारा संश्लेषण मामलों का संवर्धन करने के लिए सह्यक लोक अभियोजक के.ए. व्यक्तों के रूप में नियुक्त करती है।

[सं. 22/25/99-ए.वी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 19th July, 1999

S.O. 2215.—In exercise of the powers conferred by sub-section (1-A) of section 25 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. M. J. Sivaramakrishna as Assistant Public Prosecutor, Central Bureau of Investigation for the conduct of cases instituted by Delhi Special Police Establishment in the Courts of Magistrates in any State or Union Territory to which the provision of the aforesaid section apply.

[No. 225/2/99 AVD. II]
HARI SINGH, Under Secy.

नई दिल्ली, 20 जुलाई, 1999

का.प्रा. 2216.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम, सं. 25) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिसूचना सं. 2222/98 और 2282/98 में माननीय उड़ीसा उच्च न्यायालय, कटक के तारीख 26-02-1999 के आदेश के अनुसार, दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का, विकास सह समूह श्री गोपाल प्रसाद लह, आय 12 वर्ष के तारीख 17-12-1997 की व्यपहरण से संबंधित पुलिस शान्ति निगरानी, जिला बोलंगीर उड़ीसा के मामला एफ.आई.ए. नं. 135, तारीख 17-12-1997 के भारतीय वण्ड संहिता, 1860 की धारा 365 के अधिनियम, अपराधों और उच्च वर्णित अपराधों के संबंध में या उनसे सम्बन्धित प्रयत्न, दृष्टिकोण और संबंध में और वैसे ही संव्यवहार के अनुक्रम में किए गए या उन्हीं तथ्यों से उद्भूत होने वाले किसी अपराध या अपराधों के अनुसंधान के लिए, विस्तार, गुण उड़ीसा राज्य पर करती है।

[सं. 228/40/99-ए.वी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 20th July, 1999

S.O. 2216.—In exercise of the powers conferred by Section 5 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government as per the order of Hon'ble High Court of Orissa, Cuttack dated 26-2-1999 in OJC Nos. 2222/98 and 2282/98, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Orissa for the investigation of offences punishable under section 365 of the Indian Penal Code, 1860 of Case F.I.R. No. 135 dated 17-12-1997 of Police Station Titlagarh.

District Bolangir, Orissa relating to the Kidnapping of Vikash Lath son of Shri Gopal Prasad Lath aged 12 years on 17-12-1997 and attempt, abetment and conspiracy in relation to or in connection with the offence mentioned above and any other offence or offences committed in the course of the same transaction or arising out of the same facts.

[No. 228/40/99-AVD.-II]

HARI SINGH, Under Secy.

नई दिल्ली, 31 जुलाई, 1999

का.प्रा. 2217.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बिहार राज्य सरकार के दिनांक 13 जुलाई, 1999 के गृह (पुलिस) अनुभाग अधिसूचना सं. एच एस सी-070/99 द्वारा प्रदान किए गए राज्य सरकार की सहमति से पुलिस स्टेशन गाँधी मैदान, पटना बिहार में गौतम सिंह और शिल्पी जैन के अस्वाभाविक मृत्यु के संबंध में दर्ज किए गए यू.डी.के.सं. 20/99 के अर्धीन, दण्डनीय अपराध तथा उपर्युक्त अपराध से संबंधित अथवा सम्बन्धित प्रयत्न, दृष्टिकोण और संबंध तथा वैसे ही संव्यवहार के अनुक्रम में अथवा उन्हीं तथ्यों से उद्भूत किया गया या किए गए किसी अन्य अपराध अथवा अपराधों का अनुसंधान करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों और अधिकारिता का विस्तार सम्पूर्ण बिहार राज्य पर करती है।

[सं. 228/51/99-ए.वी.डी.-II]

हरि सिंह, अवर सचिव

New Delhi, the 31st July, 1999

S.O. 2217.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Bihar vide Home (Police) Department Notification No. HSC 070/99 dated 13th July, 1999, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole of the State of Bihar for the investigation of the case relating to the un-natural death of Gautam Singh and Shilpi Jain registered vide UD Case No. 20/99 at Police Station Gandhi Maidan, Patna (Bihar) and attempt, abetment and conspiracy in relation to or in connection with the offence or offences mentioned above and any other offence or offences committed in the course of same transaction or arising out of the same facts.

[No. 228/51/99-AVD.-II]

HARI SINGH, Under Secy.

वित्त मंत्रालय
(राजस्व विभाग)

प्रादेश

नई दिल्ली, 15 जुलाई, 1999

स्टाम्प

का.प्रा. 2218—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्द्वारा आन्ध्र बैंक, हैदराबाद को मात्र एक करोड़ बत्तीस लाख रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किये गये एक सौ पचास करोड़ रुपये के समग्र मूल्य के प्रत्येक एक-एक लाख रुपये के प्रोमिसरी नोटों के स्वरूप वाले अपरिवर्तनीय, विमोच्य गौण देयपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है तथा भारत सरकार, वित्त मंत्रालय, राजस्व विभाग के दिनांक 26 जून, 1999 की अधिसूचना सं. का.प्रा. 1818 से 26 जून, 1999 से निम्नलिखित संशोधन किया जाता है, अर्थात् :—

उक्त अधिसूचना में “एक करोड़ पचास लाख” के स्थान पर “एक करोड़ बत्तीस लाख” प्रतिस्थापित किया जायेगा।

[सं. 35/99-स्टाम्प-फा.सं. 33/33/99-वि.क.]

अपर्णा शर्मा, अवर सचिव

MINISTRY OF FINANCE
(Department of Revenue)

ORDER

New Delhi, the 15th July, 1999

STAMPS

S.O. 2218.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Andhra Bank, Hyderabad to pay consolidated stamp duty of rupees one crore thirty two lakh only chargeable on account of stamp duty on ~~Secured~~ Non-Convertible Redeemable Subordinated bonds in the nature of promissory notes of rupees one lakh each aggregating to rupees one hundred fifty crore only issued by the said Bank and makes the following amendment in the notification of the Government of India in the Ministry of Finance, Department of Revenue No. S.O. 1818 dated 26th June, 1999 with effect from 26th June, 1999, namely :—

In the said Notification for the words “one crore fifty lakh”, the words “one crore thirty two lakh” shall be substituted.

[No. 35/99-STAMPS-F. No. 33/33/99-ST]

APARNA SHARMA, Under Secy.

प्रादेश

नई दिल्ली, 16 जुलाई, 1999

स्टाम्प

का. प्रा. 2219.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा सै. विद्युत वित्त निगम, नई दिल्ली को मात्र एक करोड़ इक्कीस लाख इकसठ हजार दो सौ पचास रु. का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा जारी किये जाने वाले केवल एक सौ बासठ करोड़ और पन्द्रह लाख रु. के समग्र मूल्य के 1 से 00016215 तक की विशिष्ट संख्या वाले एक-एक लाख रुपए मूल्य के ऋण पत्रों के स्वरूप के 13.85% अपरिवर्तनीय विमोच्य पी एक सी-2009 (शृंखला-III) के बांडों पर स्टाम्प शुल्क के कारण प्रभावी है।

[फा. सं. 34/99-स्टाम्प फा. सं. 33/33/99-वि. क.]

अपर्णा शर्मा, अवर सचिव

ORDER

New Delhi, the 16th July, 1999

STAMPS

S.O. 2219.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Power Finance Corporation, New Delhi to pay consolidated stamp duty of rupees one crore twenty one lakh sixty one thousand two hundred fifty only chargeable on account of the stamp duty on 13.85 per cent Unsecured Non-convertible Redeemable PFC Bonds-2009 (III-Series) in the nature of Debentures of rupees one lakh each bearing distinctive numbers from 1 to 00016215 aggregating to rupees one hundred sixty two crore and fifteen lakh only; to be issued by the said Corporation.

[F. No. 34/99-STAMPS-F. No. 33/33/99-ST]

APARNA SHARMA, Under Secy.

प्रादेश

नई दिल्ली, 16 जुलाई, 1999

स्टाम्प

का. प्रा. 2220.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा सै. होटल एण्ड रिमोट वेल्वेस प्राइवेट लिमिटेड, कलकत्ता को मात्र एक लाख सन्तासी

हजार और पांच सौ रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले मात्र दो करोड़ पचास लाख रुपये के समग्र मूल्य के एक-एक सौ रुपये प्रत्येक के डिबेंचरों के स्वरूप वाले बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 36/99-स्टाम्प फा. सं. 33/44/99-वि. क.]

अपर्णा शर्मा, अवर सचिव

ORDER

New Delhi, the 16th July, 1999

STAMPS

S.O. 2220.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Hotel & Resort Ventures Private Limited, Calcutta to pay consolidated stamp duty of rupees one lakh eighty seven thousand and five hundred only chargeable on account of the stamp duty on bonds in the nature of Debentures of rupees one hundred each aggregating to rupees two crore fifty lakh only to be issued by the said company.

[No. 36/99-STAMPS-F. No. 33/44/99-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 16 जुलाई, 1999

स्टाम्प

का. आ. 2221.—भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मै. आई. सी. आई. सी. लिमिटेड, मुम्बई को मात्र तीन करोड़ पचास लाख अठहत्तर हजार चार सौ तीस रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा दिनांक 28 अप्रैल, 1999 को आवंटित किए गए मात्र चार सौ सत्तासठ करोड़ इक्कहत्तर लाख तेईस हजार रुपये के समग्र मूल्य के डिबेंचरों के स्वरूप वाले आई. सी. आई. सी. लिमिटेड, अमुरक्षित, विमोच्य बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभाय है।

[सं. 37/99-स्टाम्प फा. सं. 33/43/99-वि. क.]

अपर्णा शर्मा, अवर सचिव

ORDER

New Delhi, the 16th July, 1999

STAMPS

S.O. 2221.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. ICICI Limited,

Mumbai to pay consolidated stamp duty of rupees three crore fifty lakh seventy eight thousand four hundred thirty only chargeable on account of the stamp duty on ICICI Unsecured Redeemable Bonds in the nature of Debentures aggregating to rupees four hundred sixty seven crore seventy one lakh twenty three thousand only allotted on 28th April, 1999 by the said company.

[F. No. 37/99 STAMPS-F. No. 33/43/99-ST]

APARNA SHARMA, Under Secy.

आयकर महानिदेशक (छूट)

कलकत्ता, 30 जून, 1999

(आयकर)

का.आ. 2222.—आयकर अधिनियम 1961 (1961 का 43) की धारा 80जी का खंड (ए) उपधारा (2) का उप खंड (III एफ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्धारित प्राधिकारी निम्नलिखित राष्ट्रीय व सुप्रसिद्ध शैक्षिक संस्था को सूचित करती है उक्त उपखंड के लिए एतद्वारा निम्नलिखित शर्त पर अधिमूर्चिन करती है तथा:-

- (i) राष्ट्रीय विद्ययात शैक्षिक संस्था प्राप्त किये दान की राशि को जिस कारण इसकी स्थापना की गई है उस पर सम्पूर्ण तथा अनन्य रूप से खर्च करेंगे।
- (ii) उपर्युक्त उपबन्ध के अन्तर्गत प्राप्त की गई दान की राशि तथा उससे की गई खर्च के संबंध में राष्ट्रीय सुप्रसिद्ध शैक्षिक संस्था अपना अलग हिसाब रखेंगे।
- (iii) प्रत्येक लेखा वर्ष के लेखा की एक प्रति 31 दिसम्बर, 95 निम्नलिखित के लेखा वर्ष के अंतिम दिन निर्धारित प्राधिकारी को जमा किया जायेगा।

शैक्षिक संस्था का नाम

1. श्री गोविंदन संस्कृत,
महा विद्यालय,
ग्राम : खडगडा,
जिला : डुमुरपुर,
राजस्थान

[सं. 239 (फा.सं. म.नि. (छूट)/कल./आर.-20/80जी.

(2) (ए.) (III एफ.) 96]

आर.आर. बाजोरिया, आयकर महानिदेशक (छूट),

Director General of Income-tax (Exemptions)

Calcutta, the 30th June, 1999

(INCOME TAX)

S.O. 2222.—In exercise of the powers conferred by the sub-clause (iiif) of clause (a) of sub-section (2) of section 80G of the Income-tax Act, 1961 (43 of 1961), the prescribed authority hereby notifies the following educational institution as of national

eminence for the purpose of the said sub-clause, subject to the following conditions, namely :—

- (i) the educational institution of national eminence will apply the amounts of donations received, wholly and exclusively to the objects for which it is established;
- (ii) in respect of the donations received under the aforesaid provisions and expenditure made therefrom, the educational institution of national eminence shall maintain separate accounts;
- (iii) a copy of the accounts of each accounting year shall be submitted to the prescribed authority by the 31st December next following the last date of the accounting year.

Name of Education Institution

1. Shri Govardhan Sanskrit,
Maha Vidyalaya,
Village : Khadgada,
Distt. : Dungarpur,
RAJASTHAN.

[No. 239/F. No. DG/CAL/R-20/80G(2)(a)(iii)/96]

R. R. BAJORIA, Director

General of Income-tax (Exemptions)

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF
CUSTOMS

CORRIGENDUM

Pune, the 9th July, 1999

Addendum to Notification No. 11/90

Dated 8-6-1990

S.O. 2223.—Reference is invited to this commissioner's Notification No. 11/90 dated 8-6-90 issued under Section 8 of the Customs Act 62.

In Para 1 of the said notification after the words "Container Freight Station, Pimpri, Pune". Please add "Inland Container Depot (Dighi) Pune."

[F. No. VIII(CUS)9-5/TC/98]

C. K. KALONI, Commissioner of Customs

(राजस्व विभाग)

(सेंट्रल इकोनॉमिक इंटेलीजेंस ब्यूरो)

(कोफेपोसा यूनिट)

आदेश

नई दिल्ली, 29 जुलाई, 1999

का.आ. 2224 :—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप धारा (1) के अन्तर्गत विशेष रूप में शक्ति प्रदान की गई है, ने उक्त उप धारा के अधीन आदेश फाइल सं. 673/81/98-सी यू एम—VIII, दिनांक 22-1-99 जारी किया और यह निर्देश दिया कि श्री शौहथ अली मजीद, पता : (i) मुपुत्र स्व. श्री शौहथ अली, 18, के. पी. कोइल स्ट्रीट, सैदापुर, चेन्नई-600015 (ii) 99, अचारप्पन स्ट्रीट बोडवेर

चेन्नई-600001 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, दम दम, कलकत्ता में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में चीजों की तस्करी करने में रोक जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिनों के भीतर पुलिस आयुक्त चेन्नई के सम्मुख उपस्थित हो।

[फा. सं. 673/81/98-सी.यू.एम.-VIII]

एम. एस. नेगी, अवसर सचिव

(Central Economic Intelligence Bureau)

(COFEPOSA UNIT)

ORDER

New Delhi, the 29th July, 1999

S.O. 2224.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/81/98-Cus-VIII dated 22-01-99 under the said sub-section directing that Shri Shauhath Ali Majeed S/o Late Shri Shauhath Ali, (i) 18 K. P. Koil Street, Saidapet, Chennai-600 015, (ii) 99, Acharappan Street, Broadway, Chennai-600 001 be detained and kept in custody in the Dum Dum Central Jail, Calcutta with a view to preventing him from smuggling goods in future.

2 Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by Clause (b) of Sub-Section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Chennai within seven days of the publication of this order in the Official Gazette.

[F. No. 673/81/98-Cus.VIII]

M. S. NEGI, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 21 जुलाई, 1999

का. आ. 2225.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2003 तक जिला सहकारी केन्द्रीय बैंक मर्यादित, उज्जैन पर लागू नहीं होंगे।

[फा. सं. 1(14)/99-ए. सी.]

एम. के. ठाकुर, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 21st July, 1999

S.O. 2225.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub section 1 of Section 11 of the said Act shall not apply to The Jila Sahakari Kendriya Bank Maryadit, Ujjain (Madhya Pradesh) from the date of publication of this notification in the Official Gazette upto 31 March, 2003.

[F. No. 1(14)/99-AC]

S. K. THAKUR, Under Secy.

नई दिल्ली, 21 जुलाई, 1999

का. आ. 2226.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 2002 तक दि कच्छ डिस्ट्रिक्ट केन्द्रीय को-ऑपरेटिव बैंक लि., भुज, कच्छ पर लागू नहीं होंगे।

[फा. सं. 1(15)/99-ए. सी.]

एम. के. ठाकुर, अवर सचिव

New Delhi, the 21st July, 1999

S.O. 2226.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central

Government on the recommendations of the Reserve Bank of India declares that the provisions of sub section 1 of Section 11 of the said Act shall not apply to The Kachchh District Central Co-operative Bank Ltd., Bhuj, Kachchh from the date of publication of this notification in the Official Gazette upto 31 March, 2002.

[F. No. 1(15)/99-AC]

S. K. THAKUR, Under Secy.

नई दिल्ली, 22 जुलाई, 1999

का. आ. 2227.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खण्ड (ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली के विशेष सचिव, श्री देवी दयाल, आई ए. एस. (उत्तर प्रदेश 66) को तत्काल प्रभाव से और अगले आदेश होने तक श्री सी. एम. वासुदेव के स्थान पर भारतीय स्टेट बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नामित करती है।

[भं. एक. 9/9/98-बी.ओ. 1 (i)]

के.के. मंगल, अवर सचिव

New Delhi, the 22nd July, 1999

S.O. 2227.—In exercise of the powers conferred by clause (e) of Section 19 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, hereby nominates Shri Devi Dayal, IAS (UP : 66), Special Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi as a Director on the Central Board of the State Bank of India with immediate effect and until further orders vice Shri C. M. Vasudev.

[F. No. 9/9/98-B.O. 1(i)]

K. K. MANGAL Under Secy.

नई दिल्ली, 22 जुलाई, 1999

का. आ. 2228.—भारतीय औद्योगिक विकास बैंक अधिनियम 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा, वित्त मंत्रालय आर्थिक कार्य विभाग (बैंकिंग प्रभाग) नई दिल्ली के विशेष सचिव श्री देवी दयाल, आई ए. एस. (उत्तर प्रदेश 66) को तत्काल प्रभाव से और अगले आदेश होने तक श्री सी. एम. वासुदेव के स्थान पर भारतीय औद्योगिक विकास बैंक के निदेशक बोर्ड में निदेशक के रूप में नामित करती है।

[एक. सं. 9/9/98-बी.ओ.-1(ii)]

के.के. मंगल, अवर सचिव

New Delhi, the 22nd July, 1999

S.O. 2228.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government, hereby appoints Shri Devi Dayal, IAS (UP : 66), Special Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi as a Director on the Board of Directors of Industrial Development Bank of India with immediate effect and until further orders vice Shri C. M. Vasudev.

[F. No. 9/9/98-B.O. I(ii)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 22 जुलाई, 1999

का.आ. 2229:—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खण्ड ((ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के बाद, एतद्वारा वित्त मंत्रालय आर्थिक कार्य विभाग, (बैंकिंग प्रभाग), नई दिल्ली में विशेष सचिव श्री देवी दयाल, आई ए एस (उत्तर प्रदेश : 66) को तत्काल प्रभाव से, और अगले आदेश होने तक श्री सी. एम. वासुदेव के स्थान पर राष्ट्रीय कृषि और ग्रामीण विकास बैंक का निदेशक नियुक्त करती है।

[सं. एफ 9/9/98-बी.ओ. I (iii)]

के.के. मंगल, अवर सचिव

New Delhi, the 22nd July, 1999

S.O. 2229.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with Reserve Bank of India, hereby nominates Shri Devi Dayal IAS (UP : 66), Special Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi as a Director on the Board of Directors of National Bank for Agriculture and Rural Development with immediate effect and until further orders vice Shri C. M. Vasudev.

[F. No. 9/9/98-B.O. I(iii)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 22 जुलाई, 1999

का.आ. 2230:—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) की धारा 6 की उपधारा (i) के खण्ड (ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक के साथ परामर्श करने के पश्चात्, एतद्वारा श्री देवी दयाल, आई ए एस (उत्तर प्रदेश : 66) विशेष सचिव वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग), नई दिल्ली को तत्काल प्रभाव से और

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अगले आदेश होने तक श्री सी. एम. वासुदेव के स्थान पर राष्ट्रीय आवास बैंक के निदेशक बोर्ड में निदेशक के रूप में नियुक्त करती है।

[सं. 9/9/98-बी.ओ. I (iv)]

के.के. मंगल, अवर सचिव

New Delhi, the 22nd July, 1999

S.O. 2230.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 6 of the National Housing Bank Act, 1987 (53 of 1987), the Central Government, in consultation with Reserve Bank of India, hereby appoints Shri Devi Dayal, IAS (UP : 66), Special Secretary, Ministry of Finance, Department of Economic Affairs, (Banking Division), New Delhi as a Director on the Board of Directors of the National Housing Bank with immediate effect and until further orders vice Shri C. M. Vasudev.

[F. No. 9/9/98-B.O. I(iv)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 23 जुलाई, 1999

का. आ. 2231.—भारतीय स्टेट बैंक (अनुवंशी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खण्ड (ग ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा, इस समय सहयोगी बैंक अधिकारी संघ, मैसूर इकाई के सचिव (निरीक्षण विभाग, स्टेट बैंक आफ मैसूर, प्रधान कार्यालय, बंगलूर के मुख्य प्रबंधक के पद पर नियुक्त) श्री ए. सी. चन्द्र प्रसाद को 23 जुलाई, 1999 से 22 जुलाई, 2002 तक अथवा स्टेट बैंक आफ मैसूर के अधिकारी के रूप में उनकी सेवाएं समाप्त होने तक, इसमें से जो भी पहले हो स्टेट बैंक आफ मैसूर के बोर्ड में निदेशक नामित करती है। यह नामांकन रिट याचिका सं. 4422-23/1998 (एल) पर कर्नाटक उच्च न्यायालय के अंतिम निर्णय के अधीन होगा।

[एफ. सं. 8/1/98-बी.ओ. I]

के.के. मंगल, अवर सचिव

New Delhi, the 23rd July, 1999

S.O. 2231.—In exercise of the powers conferred by clause (cb) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, after consultation with the Reserve Bank of India, hereby nominates Shri A. C. Chandra Prasad, presently Secretary of the Associate Banks' Officers' Association, Mysore Unit, (posted as Chief Manager, Inspection Department, State Bank of Mysore Head office, Bangalore) as a Director on the Board of

State Bank of Mysore with effect from 23rd July, 1999 and upto 22nd July, 2002, or until he ceases to be an officer of State Bank of Mysore, whichever is earlier. The nomination will be subject to the final decision of the High Court of Karnataka in Writ Petition No. 4422-23/1998(L).

[F. No. 8/1/98-B.O. I]

K. K. MANGAL, Under Secy.

नई दिल्ली, 26 जुलाई, 1999

का.आ. 2232 :—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 19 की उप-धारा (2) के उपबंध युमाइटेड बैंक ऑफ इंडिया, कलकत्ता पर 31 दिसम्बर, 2000 तक उस सीमा तक लागू नहीं होंगे जहां तक उक्त संबंध गिरवीदार के रूप में मैसर्स बंगाल हैल्थ एंड केमिकल वर्क्स लि. की धारित शेयर पूंजी से है।

[सं. 15/6/99-बी.ओ.ए.]

बी.ए. नारायणन, अवर सचिव

New Delhi, the 26th July, 1999

S.O.2232.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India hereby declares that the provisions of Sub-section (2) of Section 19 of the said Act, shall not apply to United Bank of India, Calcutta for a period upto 31st December, 2000 in respect of its holding shares of M/s. Bengal Health and Chemical Works Ltd. as pledge.

[F. No. 15/6/99-BOA]

B. A. NARAYANAN, Under Secy.

वाणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

नई दिल्ली, 21 जुलाई, 1999

का.आ. 2233 :— म. इलाइट गार्मेंट्स, शेड नं. 134-बी, तिरुपुर एक्सपोर्ट इन्डियन्स इम्पीस्ट्रियस कॉम्प्लेक्स, टी नगर मुदालिपलम, तिरुपुर-641606 को पूंजीगत माल के आयात के लिए 53,29,810/- (मात्र तिरुपन लाख उन्नीस हजार, आठ सौ वसत रूपए) के लिए आयात लाइसेंस सं. पी/सी जी/2100876 दिनांक 22-9-92 मंजूर कराया गया था।

2. फर्म ने उपर उल्लिखित लाइसेंस की सीमाशुल्क प्रयोजन और विनियम नियंत्रण प्रयोजन की डुप्लीकेट प्रतियां जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क और विनियम प्रति खो गई है/अस्थानस्थ हो गई है। आगे यह बताया गया है कि लाइसेंस की सीमाशुल्क प्रयोजन + विनियम प्रयोजन प्रति को सीमाशुल्क सदन, चेन्नई के साथ पंजीकृत कराया गया था और लाइसेंस के मूल्य को पूर्णतः उपयोग में लाया गया है।

3. अपने मत के समर्थन में लाइसेंस धारी ने नोटरी पब्लिक, तिरुपुर के समक्ष बिधिवत् शपथ लेकर स्टाम्प पेपर पर हलफनामा प्रस्तुत किया है। मैं तबनुसार मन्तुष्ट हूँ कि आयात लाइसेंस सं. पी./सी जी/2100876 दिनांक 22-9-92 की मूल सीमाशुल्क प्रयोजन/विनियम नियंत्रण प्रति फर्म द्वारा खो गई है/अस्थानस्थ हो गई है। आयात (नियंत्रण) आदेश, 1955 यथा संशोधित दिनांक 7-12-1955 की उप-धारा 9 (सी सी) के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए म. इलाइट गार्मेंट्स, तिरुपुर को जारी उक्त मूल सीमाशुल्क प्रयोजन/विनियम नियंत्रण प्रयोजन प्रति को मिरस्त किया जाता है।

उक्त आयात लाइसेंस की डुप्लीकेट सीमाशुल्क प्रयोजन/विनियम नियंत्रण प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है।

[पत्र सं. 18/593/ए एम 93/ईपीसीजी 2/488]

के. चन्नामती, उप महानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

(Office of Directorate General of Foreign Trade)

New Delhi, the 21st July, 1999

S.O. 2233.—M/s. Elite Garments, Shed No. 134-B Tirupur Export Knitwears Industrial Complex, Tea Nagar Mudalipalyam, Tirupur-641606 were granted an Import Licence No. P/CG/2100876 dated 22-9-92 for Rs. 53,29,810/- (Rupees Fifty Three Lakhs Twenty Nine Thousand Eight Hundred and Ten only) for import of capital goods.

2. The firm has applied for issue of duplicate copies of Customs Purpose and Exchange Control Purpose of the above mentioned licence on the ground that the Original Customs and Exchange copy of the licence has been lost or misplaced. It has further been stated that Customs Purpose + Exchange Purpose copy of the licence was registered with Customs House, Chennai and the value of the licence has been fully utilised.

3. In support of their contention the licencees has filed an Affidavit on Stamped Paper duly sworn in before a Notary Public, Tirupur, I am accordingly satisfied that the Original Customs Purpose|Exchange Control copy of the Import Licence No. P|CG|2100876 dated 22-9-92 has been lost or misplaced by the firm: In exercise of the powers conferred under Sub-Clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955, as amended the said original Customs Purpose|Exchange Control Purpose copy of

import licence issued to M/s. Elite Garments, Tiruppur is hereby cancelled.

A duplicate Customs Purpose|Exchange Control Purpose of the said import licence is being issued to the party separately.

[F. No. 18/593/AM'93/EPCG-II/488]

K. CHANDRAMATHI, Dy. Director General of Foreign Trade

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 22 जुलाई, 1999

का.आ. 2234 -- केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 2128 तारीख 21 अक्तूबर 1999 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में मध्य प्रदेश राज्य में बाजना-खेड़ा कम्प्रेसर पाइप-लाइन के माध्यम से जल के परिवहन हेतु गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइप लाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां 19 मई, 1998 से जनता को उपलब्ध करा दी गई थीं;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग का अधिकार अर्जन किए जाने की घोषणा करती है ;

और यह कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इस घोषणा के प्रकाशन की तारीख को सभी बिजनेसों से मुक्त होकर गैस अथॉरिटी ऑफ इंडिया लिमिटेड में निहित होगा ।

अनुसूची

जिला	तहसील	ग्राम	सर्वे नं.	सर्वे का वह क्षेत्रफल जिनमें आर.ओ.यू. अध्यापित किया जाना है (हेक्टर)
1	2	3	4	5
शाजापुर	आगर	बाजना	0 57 823 824	0.19 0.02 0.09

1	2	3	4	5
शाजापुर-जारी	आगर-जारी	बाजना-जारी	817	0.16
			783	0.01
			778	0.02
			779	0.08
			780	0.05
			781	0.08
			772	0.06
			774	0.15
			758	0.01
			755	0.03
			754	0.03
			753	0.07
			751	0.02
			870	0.01
			750	0.12
			748	0.10
			872	0.04
			883	0.03
			747	0.01
			886	0.05
			890	0.02
			897	0.07
			914	0.05
			915	0.01
			913	0.08
			923	0.04
			526	0.01
			549	0.05
			546	0.11
			547	0.05
			542	0.07
			552	0.07
			540	0.02
			539	0.02
			303	0.03
			583	0.19
			315	0.10
			316	0.08
			306	0.04
			307	0.01
			305	0.16
			304	0.02
			290	0.06
			300	0.07
			302	0.12
			384	0.09
			383	0.08
			382	0.02

1	2	3	4	5
महाजापुर-जारी		बाजना	381	0.08
			300	0.01
			379	0.05
			378	0.15
			377	0.02
			376	0.01
			372	0.13
			371	0.06
			370	0.14
			369	0.01
			360	0.11
			361	0.14
			344	0.06
			341	0.09
			342	0.01
			474	0.22
			475	0.11
			476	0.00
			477	0.17
			295	0.02
			कुल	4.84

[सं. एल. 14014/4/98 जी.पी]

सुनील कुमार सिंह, ग्रवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 22nd July, 1999

S.O.2234—Whereas, by notification of the Government of India, Ministry of Petroleum and Natural Gas S.O. 2128 dated the 31st October 1998 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962, (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the schedule annexed to that notification for the purpose of laying pipeline for transport of water through Banja—Kheda Compressor Pipeline in the State of Madhya Pradesh, by the Gas Authority of India Limited;

And, whereas, copies of the said gazette notifications were made available to the public from the 19th day of May 1998;

And, whereas, the competent authority has under sub-section (1) of section 6 of the said Act, has submitted a report to the Central Government;

And, further whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule annexed to this notification hereby acquired for laying of pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of that Act, the Central Government directs that the right of user in the said land shall instead of vesting in the Central Government, vests on this date of the publication of this declaration in the Gas Authority of India Limited, free from all encumbrances.

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Land to be Acquired R.O.U. in Hectares
1	2	3	4	5
Shajapur	Agar	Bajna	857	0.19
			823	0.02
			824	0.09
			817	0.16
			783	0.01
			778	0.02
			779	0.08
			780	0.05
			781	0.08
			772	0.06
			774	0.15
			758	0.01
			755	0.03
			754	0.03
			753	0.07
			751	0.02
			870	0.01
			750	0.12
			748	0.10
			872	0.04
			883	0.03
			747	0.01
			886	0.05
			890	0.02
			897	0.07
			914	0.05
			915	0.01
			913	0.08
			923	0.04
			526	0.01
			549	0.05
			546	0.11
			547	0.05
			542	0.07
			552	0.07
			540	0.02
			539	0.02
			303	0.03
			583	0.19
			315	0.10
			316	0.08
			306	0.04
			307	0.01
			305	0.16
			304	0.02
			298	0.06
			300	0.07

1	2	3	4	5
Shajaper—contd			302	0.12
			384	0.09
			383	0.08
			382	0.02
			381	0.08
			380	0.01
			379	0.05
			378	0.15
			377	0.02
			376	0.01
			372	0.13
			371	0.06
			370	0.14
			360	0.11
			369	0.01
			361	0.14
			344	0.06
			341	0.09
			342	0.01
			474	0.22
			475	0.11
			476	0.08
			477	0.17
			295	0.02
			TOTAL :	4.84

[No.L-14014/4/98-G.P.]

S. K. SINGH, Under Secy

नई दिल्ली, 22 जुलाई, 1999

का.आ. 2235.—केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पार्श्वलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसमें इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 2129 तारीख 31 अक्टूबर, 1998 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में, मध्य प्रदेश राज्य में बाजना-खेड़ा कम्प्रेसर पार्श्वलाईन के माध्यम से जल के परिवहन हेतु गैस अथारिटी आफ इंडिया लिमिटेड द्वारा पार्श्वलाईन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के अने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां 25 मई, 1998 में जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट उक्त भूमि में पार्श्वलाईन बिछाने के प्रयोजन के लिये उपयोग का अधिकार अर्जित किये जाने की घोषणा करती है;

और यह कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय इस घोषणा के प्रकाशन की तारीख को सभी विलगनों में मुक्त होकर गैस अथारिटी आफ इंडिया लिमिटेड में निहित होगा।

धनुसूची

जिला	तहसील	ग्राम	सर्वे सं.	सर्वे का वह क्षेत्रफल जिसमें ग्रार. प्रो. यु. मध्यापित किया जाना है। (हेक्टर में)
1	2	3	4	5
उज्जैन	तराना	धान्याखेड़ी	87	0.04
			88	0.19
			96	0.39
			104	0.01
			105	0.02
			256	0.07
			255	0.01
			251	0.04
			248	0.07
			249	0.23
			250	0.01
			कुल	1.08
		भिकली	404	0.03
			403	0.01
			396	0.08
			398	0.09
			397	0.01
			340	0.10
			341	0.02
			342	0.07
			335	0.01
			333	0.04
			332	0.09
			331	0.08
			232	0.05
			234	0.11
			219/1	0.05
			220	0.10
			207	0.02
			196	0.10
			198	0.03
			199	0.03
			189	0.15
			188	0.02
			187	0.04
			186	0.10
			185	0.03
			184	0.03
			545/2 पेकी	0.03
			182	0.03
			546	0.13
			कुल	1.68

1	2	3	4	5
		सुगराखेड़ी	260	0.05
			261	0.06
			262	0.06
			263	0.05
			264	0.01
			268	0.22
			271	0.08
			272	0.06
			275	0.13
			284/1	0.04
			284/2	0.04
			282	0.05
			309	0.01
			310	0.16
			307	0.01
			306	0.01
			305	0.05
			304	0.01
			302	0.05
			318	0.06
			319	0.06
			320	0.10
			325	0.13
			324	0.03
			कुल	1.53
		काषड़ी	7	0.01
			8	0.04
			6	0.08
			5	0.04
			39	0.03
			40	0.10
			78	0.01
			48	0.10
			49	0.09
			50	0.03
			51	0.09
			59	0.01
			58	0.05
			55	0.02
			57	0.01
			56	0.07
			101	0.02
			कुल	0.80

1	2	3	4	5
	भोडला	19		0.03
		16		0.11
		10		0.11
		11		0.02
		3		0.07
		4		0.04
		5		0.10
		214		0.03
		276		0.06
		274		0.09
		273/3		0.12
		288		0.06
		327		0.10
		326		0.13
		325		0.02
		324		0.06
		323		0.02
		354		0.05
		355		0.01
		353/2		0.12
		363		0.09
		364		5.04
		365		0.17
		368		0.08
		कुल		1.71
	गोदडी	88		0.20
		90		0.08
		91		0.16
		97		0.14
		98		0.25
		99		0.09
		319		0.03
		126		0.02
		216		0.04
		215		0.09
		214		0.03
		213		0.06
		212		0.06
		222		0.01
		157		0.07
		158		0.06
		164		0.05
		197		0.07
		196		0.08
		195		0.09

1	2	3	4	5
		गोदड़ी	193	0.06
			194	0.07
			184	0.14
			185	0.02
			कुल	1.97

[सं. एल.—14014/4/98— जी. पी.]

सुनील कुमार सिंह, सचिव

New Delhi, the 22nd July, 1999

S.O.2235 .—Whereas, by notification of the Government of India, Ministry of Petroleum and Natural Gas S.O. 2129 dated the 31st October 1998 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962, (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the schedule annexed to that notification for the purpose of laying pipeline for transport of water through Bajna—Kheda Compressor Pipeline in the State of Madhya Pradesh, by the Gas Authority of India Limited;

And, whereas, copies of the said gazette notifications were made available to the public from the 25th day of May 1998;

And, whereas, the competent authority has under sub-section (1) of section 6 of the said Act has submitted a report to the Central Government;

And, further whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule annexed to this notification hereby acquired for laying of pipeline;

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of that Act, the Central Government directs that the right of user in the said land shall instead of vesting in the Central Government, vests on this date of the publication of this declaration in the Gas Authority of India Limited, free from all encumbrances.

SCHEDULE

Distt.	Tehsil	Village	Survey No.	Land to be Acquired R.O.U. in Hectares
A	B	C	D	E
Ujjain	Tarana	Dhanyakhedi	87	0.04
			88	0.19
			96	0.39
			104	0.01
			105	0.02
			256	0.07
			255	0.01
			251	0.04
			248	0.07
			249	0.23
			250	0.01
			Total :	1.08

A	B	C	D	E
		Chikli	404	0.03
			403	0.01
			396	0.08
			398	0.09
			397	0.01
			340	0.10
			341	0.02
			342	0.07
			335	0.01
			333	0.04
			332	0.09
			331	0.08
			232	0.05
			234	0.11
			219/1	0.05
			220	0.10
			207	0.02
			196	0.10
			198	0.03
			199	0.03
			189	0.15
			188	0.02
			187	0.04
			186	0.10
			185	0.03
			184	0.03
			545/2P	0.03
			182	0.03
			546	0.13
			Total	1.68
		Sumarakheri	260	0.05
			261	0.06
			262	0.06
			263	0.05
			264	0.01
			268	0.22
			271	0.08
			272	0.06
			275	0.13
			284/1	0.04
			284/2	0.04
			282	0.05
			309	0.01
			310	0.16
			307	0.01
			306	0.01
			305	0.05
			304	0.01
			302	0.05
			318	0.06
			319	0.06
			320	0.10
			325	0.13
			324	0.03
			Total:	1.53

A	B	C	D	E
		Kathadi	7	0.01
			8	0.04
			6	0.08
			5	0.04
			39	0.03
			40	0.10
			78	0.01
			48	0.10
			49	0.09
			50	0.03
			51	0.09
			59	0.01
			58	0.05
			55	0.02
			57	0.01
			56	0.07
			101	0.02
			Total:	0.80
		Bhodlya	19	0.03
			16	0.11
			10	0.11
			11	0.02
			3	0.07
			4	0.04
			5	0.10
			214	0.03
			276	0.06
			274	0.09
			273/3	0.12
			288	0.06
			327	0.10
			326	0.13
			325	0.02
			324	0.06
			323	0.02
			354	0.05
			355	0.01
			353/2	0.12
			363	0.09
			364	0.04
			365	0.17
			368	0.06
			Total:	1.71
		Godadi	88	0.20
			90	0.08
			91	0.16
			97	0.14
			98	0.25
			99	0.09
			319	0.03
			126	0.02
			216	0.04
			215	0.09
			214	0.03
			213	0.06

A	B	C	D	E
		Godadi	212	0.06
			222	0.01
			157	0.07
			158	0.06
			164	0.05
			197	0.07
			196	0.08
			195	0.09
			193	0.06
			194	0.07
			184	0.14
			185	0.02
			Total:	1.97

[No.L-14014/4/98-GP]

S. K. SINGH, Under Secy.

नई दिल्ली, 22 जुलाई, 1999

का. प्रा. 2236:—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में अकलबारा 'टी' प्लाट से बेल्जियम ग्लास एवं सेरेमिक कंपनी डाभासा पाइपलाइन परियोजना के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिए गैस अथॉरिटी आफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए।

और यह कि केन्द्रीय सरकार को प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन लिए उस भूमि में जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब; केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने प्राणय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हिसाब कोई व्यक्ति राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिवस के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी आफ इंडिया लिमिटेड, वर्णन बिल्डिंग, आर सी दत्त रोड, अल्कापुरी, बडोदरा—5 (गुजरात)।

अनुसूची

ज़िला	तहसील	गांव	सर्वे नं.	उ. का. प्रा. के लिए अर्जित की जाने वाली भूमि हेक्टे. में
1	2	3	4	5
बड़ोदा	पादरा	अकलबारा	87	0.0040
			88	0.2055
			ई. एफ. सी. रोड	0.0116
			पक्का रोड	0.0397
			227	0.0735
			226/ए	0.1590

1	2	3	4	5
वरीडा	वावरा	अकस्माती	कनाल	
			225	0.0139
			काटे ट्रंक	0.0222
			220	0.0001
			221	0.0577
			222	0.0615
			224	0.0818
			251	0.0464
			252	0.1255
			काटे ट्रंक	0.1580
			285	0.0189
			286	0.2329
			287	0.2138
			काटे ट्रंक	0.0225
			420	0.0357
			काटे ट्रंक	0.2537
			419	0.0059
			412	0.3053
			415/ए)	0.0901
			415/बी)	0.2321
			415/सी)	
	उभासा		197	0.2052
			199	0.0988
			202	0.0321
			203	0.0364
			204	0.0303
			205	0.0623
			209	0.0522
			210	0.0461
			211	0.1003
			काटे ट्रंक	0.0118
			एस. एच. 6 रोड	0.0281
			460	0.0650
			कनाल	0.0143
			462	0.1951
			463	0.0113
			काटे ट्रंक	0.0070
			459	0.0500
			काटे ट्रंक	0.0232
			457	0.3478
			काटे ट्रंक	0.0080
			440	0.0371
			441	0.0316
			442	0.0675
			436	0.1149
			433	0.0166
वरीडा	वावरा	उभासा		बेलजियम ग्लास

New Delhi, the 22nd July, 1999

S.O. 2236.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of natural gas through Akalbara 'T' Point to Belgium Glass and Ceramic Company Dabhasa pipeline Project in Gujarat State, a pipeline should be laid by the Gas Authority of India Limited.

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Darpan Building, R.C. Dutt Road, Alkapuri, Vadodara-5 (Gujarat).

Schedule

Distt.	Tehsil	Village	Survey No	Land to be acquired for ROU in Hectare
1	2	3	4	5
Baroda	Padra	Akalbara	87	0.0040
			88	0.2055
			EFC Road	0.0116
			Pucca Road	0.0397
			227	0.0735
			226/A	0.1590
			Canal	0.0139
			225	0.0222
			Cart Track	0.0001
			220	0.0577
			221	0.0615
			222	0.0818
			224	0.0464
			251	0.1255
			252	0.1580
			Cart Track	0.0189
			285	0.2329
			286	0.2138
			287	0.0225
			Cart Track	0.0357
			420	0.2537
			Cart Track	0.0059
			419	0.3053
			412	0.0901
			415/A)	
			415/B)	0.2321
			415/C)	
		Dabhasa	197	0.2052
			199	0.0988
			202	0.0321
			203	0.0364

1	2	3	4	5
Baroda	Padra	Akuthra	204	0.0303
			205	0.0623
			209	0.0522
			210	0.0481
			211	0.1003
			Cart Track	0.0118
			S.H-6 Rond	0.0281
			460	0.0650
			Canal	0.0143
			462	0.1951
			463	0.0113
			Cart Track	0.0070
			459	0.0500
			Cart Track	0.0232
			457	0.3478
			Cart Track	0.0080
			440	0.0371
			441	0.0316
Baroda	Padra	Dabhasa	442	0.0675
			436	0.1146
			433	0.0166
				Belgium glass

[No. L-14014/7/99-G.P.]

S. K. SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 22 जुलाई, 1999

का.आ. 2237.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के उपबंधों के अनुसरण में एम. एन. मिथिला विश्व विद्यालय की सीनेट ने डा. समरेन्द्र प्रताप सिंह, प्रोफेसर तथा विभागाध्यक्ष, संवेदनाहरण विज्ञान, दरभंगा मेडिकल कालेज, लहेरिया-सराय को 29 मई, 1999 से भारतीय आयुर्विज्ञान परिषद् के सदस्य के रूप में निर्वाचित किया है :

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय के दिनांक 9 जनवरी 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित" शीर्षक के अन्तर्गत क्रम संख्या 56 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्या एवं प्रविष्टि रखी जाएगी, नामतः :—
2203 GI/99—4

"56, डा. समरेन्द्र प्रताप सिंह, एम. एन. मिथिला प्रोफेसर और विभागाध्यक्ष, विवेकविद्यालय संवेदनाहरण विज्ञान, दरभंगा मेडिकल कालेज, लहेरिया सराय, बिहार,

[संख्या बी. 11013/17/99-एम.ई. (पू.जी.)]

एम. के. मिश्र, डेप्टी अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 22nd July, 1999

S.O. 2237.—Whereas in pursuance of the provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. Samarendra Pratap Singh, Prof. and HOD of Anaesthesiology, Darbhanga Medical College, Lehariserai has been elected by the Senate of the L. N. Mithila University to be a member of the Medical Council of India from 29th May, 1999;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following

further amendments in the notification of Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading 'Elected under clause (b) of sub-section (1) of section 3' for serial number 56 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

'56. Dr. Samarendra Pratap Singh, L.N. Mithila Prof. and HOD of Anaesthesiology, University'

Darbhanga Medical College,
Leharisaraï, Bihar.

[No. V. 11013/17/99-ME(UG)]

S. K. MISHRA, Desk Officer

आदेश

नई दिल्ली, 22 जुलाई, 1999

का.आ. 2238:— जब कि राजस्थान विश्वविद्यालय द्वारा प्रदत्त आयुर्विज्ञान अर्हता एम.बी.बी.एस. भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 14 के अधीन उक्त अधिनियम के प्रयोजन के लिए एक मान्यता प्राप्त आयुर्विज्ञान अर्हता है;

और जबकि डा. ब्रह्मानंद शर्मा, जो उक्त अर्हता रखते हैं, श्री सत्य साई उच्चतर आयुर्विज्ञान संस्थान, अनन्तपुर, आन्ध्र प्रदेश से विजी लाभ के लिए नहीं बल्कि पूर्ण-कार्य के प्रयोजनों के लिए संबद्ध रहते हैं;

अतः अब उक्त अधिनियम की धारा 14 की उप धारा (i) के खण्ड (ग) के अनुसरण में केन्द्रीय सरकार एतद्वारा (क) दो वर्षों की अवधि को, या

(ख) उस अवधि को जिसके दौरान डा. ब्रह्मानंद उक्त श्री सत्य साई उच्चतर आयुर्विज्ञान

संस्थान से संबद्ध रहते हैं, इनमें से जो भी कम हो, उस अवधि के रूप में विनिर्दिष्ट करती है जिसके दौरान उक्त सत्य साई उच्चतर आयुर्विज्ञान संस्थान में डा. ब्रह्मानंद शर्मा द्वारा चिकित्सीय व्यवसाय परिसीमित होगा।

[संख्या बी. 11016/2/98-एम.ई. (यू.जी.)]

एस. के. मिश्र, डेस्क अधिकारी

ORDER

New Delhi, the 22nd July, 1999

S.O. 2238.—Whereas medical qualification MBBS granted by the University of Rajasthan is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) under Section 14 of the said Act;

And whereas Dr. Brahma Nand Sharma who possess the said qualification is attached to Sri Sathya Sai Institute of Higher Medical Sciences, Anantapur, Andhra Pradesh for the purpose of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of the section 14 of the said Act, the Central Government hereby specifies :—

(a) a period of two years, or

(b) the period during which Dr. Brahma Nand Sharma is attached to the said Sri Sathya Sai Institute of Higher Medical Sciences whichever is shorter, as the period to medical practice by Dr. Brahma Nand Sharma in the said Sri Sathya Sai Institute of Higher Medical Sciences shall be limited.

[No. V-11016/2/98-ME(UG)]

S. K. MISHRA, Desk Officer

(भारतीय चिकित्सा पद्धति एवं होम्योपैथी विभाग)

नई दिल्ली, 22 जुलाई, 1999

का.आ. 2239.—केन्द्रीय सरकार, होम्योपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय होम्योपैथी परिषद् से परामर्श करने के पश्चात् उक्त अधिनियम की दूसरी अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त दूसरी अनुसूची में 'राजस्थान' शीर्ष के अंतर्गत क्रम संख्या '13घ' और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

(1)	(2)	(3)	(4)
"13 घ राजस्थान बोर्ड ऑफ होम्योपैथिक मेडिसिन, जयपुर	डिप्लोमा ऑफ होम्योपैथिक मेडिसिन एंड सर्जरी	डी.एच.एम.एस.	1979 से आगे
	डिप्लोमा ऑफ होम्योपैथिक एंड सर्जरी	डी.एच.एम.एस. (के.हो. परिषद् विनियम)	1988 से आगे
	बैचलर ऑफ होम्योपैथिक मेडिसिन एंड सर्जरी	बी.एच.एम.एस. (ग्रेडेड)	1983 से 1990 तक
	बैचलर ऑफ होम्योपैथिक मेडिसिन एंड सर्जरी	बी.एच.एम.एस.	1992 से आगे"

[आर. 14015/25/93—होम्यो.]

कंधन दास, अवर सचिव

पाद टिप्पणी : मूल अधिसूचना भारत के राजपत्र के भाग-2, खंड-1 में का.आ. संख्या 76 तारीख 20 दिसम्बर, 1973 को प्रकाशित की गई और उसके बाद निम्नलिखित के द्वारा संशोधित हुई :

का.आ. 349 तारीख 11-10-1977
 का.आ. 325 तारीख 4-11-1978
 का.आ. 1517 तारीख 26-2-1983
 का.आ. 1481 तारीख 12-3-1983
 का.आ. 3099 तारीख 21-6-1985
 का.आ. 2048 तारीख 24-3-1986
 का.आ. 2270 तारीख 24-5-1986
 का.आ. 2501 तारीख 1-8-1990
 का.आ. 2448 तारीख 4-8-1990
 का.आ. 1182 तारीख 27-3-91
 का.आ. 1008 तारीख 8-3-1996
 का.आ. 3124 तारीख 24-11-96
 का.आ. 2806 तारीख 13-9-1996
 का.आ. 1277 तारीख 25-3-1996
 का.आ. 699 तारीख 7-2-1997
 का.आ. 2726 तारीख 3-10-1997
 का.आ. 3126 तारीख 3-12-1997
 का.आ. 62 व 63 तारीख 21-12-1998
 का.आ. 594 तारीख 25-1-1999
 का.आ. 2503 तारीख 21-8-1990
 का.आ. 710 तारीख 25-2-1992
 का.आ. 891 तारीख 5-3-1992
 का.आ. 1210 तारीख 23-4-1992
 का.आ. 2669 तारीख 24-9-1993
 का.आ. 978 तारीख 28-4-1992
 का.आ. 1325 तारीख 13-5-1994
 का.आ. 2363 तारीख 24-10-1994
 का.आ. 1859 तारीख 17-8-1993
 का.आ. 1277 तारीख 25-3-1996
 का.आ. 93 तारीख 20-12-95
 का.आ. 2805 तारीख 13-9-1996
 का.आ. 2475 तारीख 30-5-1996

का.प्र. 2804 तारीख 20-9-1995
 का.प्र. 2900 तारीख 28-10-1997
 का.प्र. 2727 तारीख 3-10-1997
 का.प्र. 1027(ई) तारीख 30-11-1998
 का.प्र. 361 तारीख 18-1-1999
 का.प्र. 204 तारीख 5-1-1999

DEPARTMENT OF ISM AND HOMOEOPATHY

New Delhi, the 22nd July, 1999.

S.O. 2339.—In exercise of the powers conferred by sub-section (2) of section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government after consulting the Central Council of Homoeopathy, hereby makes the following further amendment in the Second Schedule to the said Act, namely :—

In the said Second Schedule, under the heading "Rajasthan" for serial number "13D" and the entries relating thereto, the following shall be substituted, namely :—

1	2	3	4
"13D Rajasthan Board of Homoeopathic Medicine, Jaipur,	Diploma of Homoeopathic Medicine and Surgery	D.H.M.S.	From 1979 onwards
	Diploma of Homoeopathic Medicine and Surgery	D.H.M.S. (CCH Regulation)	From 1988 onwards
	Bachelor of Homoeopathic Medicine and Surgery	B.H.M.S. (Graded)	From 1983 to 1990
	Bachelor of Homoeopathic Medicine and Surgery	B.H.M.S.	From 1992 onwards"

[R 14015/25/93-Homoeo]
 KANWAL DAS, Under Secy.

Foot-note : The principle notification was published in the Gazette of India, Part 2, Section 1, Sub-section (ii) S.O. No. 76 dated 20th December, 1973 and was subsequently amended vide—

S.O. 3496 dated 11-10-1977
 S.O. 325 dated 04-11-1978
 S.O. 1517 dated 26-02-1983
 S.O. 1481 dated 12-3-1983
 S.O. 3099 dated 21-6-1985
 S.O. 2048 dated 24-3-1986
 S.O. 2270 dated 24-5-1986
 S.O. 2501 dated 1-8-1990
 S.O. 2448 dated 4-8-1990
 S.O. 1182 dated 27-3-91
 S.O. 1008 dated 8-3-1996
 S.O. 3124 dated 24-11-1996
 S.O. 2806 dated 13-9-1996
 S.O. 1277 dated 25-3-1996
 S.O. 699 dated 7-2-1997
 S.O. 2726 dated 3-10-1997
 S.O. 3126 dated 3-12-1997
 S.O. 62 & 63 dated 21-12-98

S.O.594 dated 25-1-99
 S.O. 2503 dated 21-08-1990
 S.O.710 dated 25-02-1992
 S.O.891 dated 5-3-1992
 S.O. 1210 dated 23-4-1992
 S.O.2669 dated 24-9-1993
 S.O.978 dated 28-4-1992
 S.O.1325 dated 13-5-1994
 S.O.2363 dated 24-10-1994
 S.O.1859 dated 17-8-1993
 S.O.1277 dated 25-3-1996
 S.O.93 dated 20-12-1995
 S.O.2805 dated 13-9-1996
 S.O.2475 dated 30-5-1996
 S.O.2804 dated 20-9-1995
 S.O.2900 dated 28-10-1997
 S.O.2727 dated 3-10-1997
 S.O.1027(E) dated 30-11-1998
 S.O. 361 dated 18-1-99
 S.O.204 dated 5-1-99

आदेश

नई दिल्ली, 23 जुलाई, 1999

का. आ. 2240.—डा. हमीद अतिका हुसैन द्वारा यू. एस. एस. आर. के एक आयुर्विज्ञान संस्थान, में प्राप्त की गई आयुर्विज्ञानी अर्हता एम. डी. (सामान्य काय चिकित्सा) भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 14 के अन्तर्गत इस प्रयोजन के लिए एक मान्यताप्राप्त आयुर्विज्ञानी अर्हता है :

और उक्त अर्हता धारक डा. हमीद अतिका हुसैन, सुन्दर लाल जैन पूर्त अस्पताल, दिल्ली में पूर्त कार्य के प्रयोजन के लिए संलग्न हैं न कि वैयक्तिक लाभ के लिए;

अतः अब उक्त अधिनियम की धारा (1) के खण्ड (ग) के अनुसरण में केन्द्र सरकार एतद्द्वारा :

(क) 17 फरवरी, 2000 तक की अवधि को, अथवा

(ख) जिस अवधि के दौरान डा. हमीद अतिका हुसैन उक्त सुन्दर लाल जैन पूर्त अस्पताल, दिल्ली में सम्बद्ध रहे, जो भी लघुतर हो, को उस अवधि के रूप में विनिर्दिष्ट करती है जिस तक उक्त सुन्दर लाल पूर्त अस्पताल, दिल्ली में डा. हमीद अतिका हुसैन का चिकित्सीय व्यवस्था सीमित होगा।

[संख्या बी. 11016/5/99-एम. ई. (यू. जी.)]
 एस. के. मिश्रा, डेस्क अधिकारी

ORDER

New Delhi, the 23rd July, 1999

S.O. 2240.—Whereas medical qualification M.D. (General Medicine) obtained from a medical institution in U.S.S.R. by Dr. Hamed Ateka Hussain is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1955 (102 of 1956), under section 14 of the said Act;

And whereas Dr. Hamed Ateka Hussain who possess the said qualification is attached to Sunder Lal Jain Charitable Hospital, Delhi for purposes of charitable work and not for personal gain;

Now, therefore, in pursuance of clause (c) of sub-section (1) of section 14 of the said Act, the Central Government hereby specifies :—

(a) period upto 17th February, 2000; or

(b) the period during which Dr. Hamed Ateka Hussain is attached to the said Sunder Lal Jain Charitable Hospital, Delhi, whichever is shorter, as the period to which medical practice by Dr. Hamed Ateka Hussain in the said Sunder Lal Jain Charitable Hospital, Delhi shall be limited.

[No. V. 11016/5/99-ME(UG)]
 S. K. MISHRA, Desk Officer

नई दिल्ली, 26 जुलाई, 1999

का.आ. 2241.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद उक्त अधिनियम की अनुसूची के भाग-1 में निम्नलिखित और संशोधन करती है, अर्थात्

उक्त अनुसूची के भाग-1 में सौराष्ट्र विश्वविद्यालय, सौराष्ट्र की क्रम संख्या 46 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां जोड़ी जाएंगी अर्थात् :—

1	2	3
47. राजीव गांधी स्वास्थ्य विज्ञान संस्थान, बेंगलूर	दन्त चिकित्सा विज्ञान कालेज, देवांगीर के स्नातकोत्तर छात्रों के संबंध में निम्नलिखित अर्हताएं तभी एक मान्यताप्राप्त दन्त चिकित्सा अर्हता होगी यदि यह 22-3-99 को अथवा उसके पश्चात् प्रदान की गई हो :— (i) एम.डी.एस. (पेडोडोंटिक्स और निवारक दंत चिकित्सा); (ii) एम.डी.एस. (कंजरवेटिव दन्त चिकित्सा); (iii) एम.डी.एस. (पेरियोडोंटिक्स); (iv) एम.डी.एस. (ओरल एवं मैक्सिलोफैसियल); और (v) एम.डी.एस. (प्रॉस्थो डेंटिक्स)	एम.डी.एस. (आर.यू.ओ.एच.एम.) बेंगलूर

[स. बी 12018/2/99-पी.एम.एस.]
सी. एल. भट्टिया, अवर सचिव

New Delhi, the 26th July, 1999

S.O. 2241.—In exercise of the powers conferred by Sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment in part-I of the Schedule to the said Act namely :—

In Part-I of the said Schedule after serial number 46 of Saurashtra University, Saurashtra and the entries relating thereto, the following entries will be added, namely :—

1	2	3
47. Rajiv Gandhi University of Health Science, (RGUHS), Bangalore	The following qualifications shall be a recognised dental qualification in respect of P.G. students of college of Dental Sciences, Davangere when granted on or after 22-3-99 :— (i) MDS (Pedodontics and preventive Dentistry); (ii) MDS (Conservative Dentistry); (iii) MDS (Periodontics); (iv) MDS (Oral & Maxillofacial); and (v) MDS (Prosthodontics).	M.D.S. (R.G.U.O.H.S.), Bangalore

[No.V.12018/2/99-PMS]
C. L. BHATIA, Under Secy.

शहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 29 जुलाई, 1999

का.आ. 2242.—यतः इसके नीचे उल्लिखित क्षेत्र के संबंध में दिल्ली/आवर्तक विकास योजना के लिए मास्टर प्लान में केन्द्र सरकार ने जिन कुछ संशोधनों का प्रस्ताव किया था उन्हें दिल्ली विकास अधिनियम, 1956 (1957 का 61) के खण्ड 44 के प्रावधानों के अनुसार दिनांक 23-4-97 के नोटिस सं. एफ. 20(9)95-एम पी में प्रकाशित किया गया जिसमें उक्त नोटिस की तारीख से 30 दिन के भीतर उक्त अधिनियम के खण्ड 11-ए के उपखण्ड (3) में यथा अपेक्षित आपत्तियों/सुझाव आमंत्रित किए गए।

2. यतः प्रस्तावित संशोधन के संबंध में 2 आपत्तियों/सुझाव प्राप्त हुए और यतः मामले के सभी तहल्लुओं पर ध्यानपूर्वक विचार करने के पश्चात् केन्द्र सरकार ने मास्टर प्लान को संशोधित करने का निर्णय लिया है।

3. अब, अतएव, उक्त अधिनियम के खंड 11-ए के उपखण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करके केन्द्र सरकार, भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से, दिल्ली के लिए उक्त मास्टर प्लान में एतद्वारा निम्नलिखित संशोधन करती है।

संशोधन

“अंचल ‘एच’ (उत्तरी पश्चिमी दिल्ली-1) के तहत नैक्ट-5 रोहिणी में अवस्थित और जो उत्तर में 45 मीटर मार्गाधिकार सड़क, पूर्व में 30 मीटर मार्गाधिकार सड़क, दक्षिण और पश्चिम से मनोरंजन/सुरक्षित हरित क्षेत्र से घिरे 0.80 हेक्टेयर (2 एकड़) माप वाले क्षेत्र का भूमि उपयोग “रिहायशी” से बदलकर “सार्वजनिक एवं अर्ध-सार्वजनिक सुविधाएं” (शमशा आठ/कब्रस्तान) (पीएम-7)” करना प्रस्तावित है।

[सं. के -13011/14/95-डी डी आईबी]

आर.एस. गुसाई, शहर सचिव

MINISTRY OF URBAN DEVELOPMENT
(Delhi Division)

New Delhi, the 29th July, 1999

S.O. 2242.—Whereas certain modifications which the Central Government proposed to make in the Master Plan for Delhi/Zonal Development Plan regarding the area mentioned hereunder were published with Notice No. F. 20(9)95-MP dated 23-4-97 in accordance with the provisions of Section 44 of the Delhi Development Act, 1956 (61 of 1957) inviting objections/suggestions as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice;

2. Whereas 2 objections/suggestions were received with regard to the proposed modification and whereas the Central Government have, after carefully considering all aspects of the matter, decided to modify the Master Plan;

3. Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master Plan for Delhi with effect from the date of Publication of this Notification in the Gazette of India.

MODIFICATION :

“The land use of an area, measuring 0.80 hac. (2 acres) located in Sector-V, Rohini falling in Zone ‘H’ (North West Delhi-I) and bounded by 45 mtr. R/W road in the North, 30 mtr. R/W road in the East, recreation/green buffer in the South and West, is changed from ‘Residential’ to ‘Public and semi-public facilities’ (Cremation ground/Burial ground) (PS-7).”

[No. K-13011/14/95-DDIB]

R. S. GUSAIN, Under Secy.

दिल्ली विकास प्राधिकरण

(मुख्य योजना अनुभाग)

सार्वजनिक सूचना

नई दिल्ली, 2 अगस्त, 1999

का.आ. 2243.—केन्द्रीय सरकार का दिल्ली मुख्य योजना-2001 में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे आम जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाना है। यदि किसी व्यक्ति को प्रस्तावित संशोधनों के सम्बन्ध में कोई आपत्ति/सुझाव देना हो तो वे अपनी आपत्तियों/सुझाव इस सूचना के जारी होने की तिथि से 30 दिन की अवधि के अन्दर आपुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास सदन ‘डी’ ब्लॉक, आई.एन.ए., नई दिल्ली को लिखित रूप में भेज दें। आपत्ति/सुझाव देने वाले व्यक्ति को अपना नाम और पता भी देना चाहिए।

संशोधन :—

“गांव तहखण्ड में जोन एक (दक्षिण दिल्ली-1) की क्षेत्रीय योजना के अंतर्गत आने वाले 9596.87 वर्ग मीटर क्षेत्र, जो उत्तर में विद्यमान नदी, दक्षिण में दूरभाष केन्द्र/स्टोर, पूर्व में रेलवे लाइन और पश्चिम में 24 मीटर चौड़ी सड़क (एफ.सी.आई. गोदाम) से घिरा हुआ है, के भूमि उपयोग को “श्रीवैद्यिक उपयोग” से “सार्वजनिक और अर्ध-

सार्वजनिक सुविधाओं" (उच्चतम माध्यमिक विद्यालय-8996.87 वर्गमीटर और भारत घर के लिए 600 वर्ग मीटर में बदला जाना प्रस्तावित है।"

2. प्रस्तावित संशोधनों को दशनि वाला नक्शा उपर्युक्त अर्वाध के दौरान निरीक्षण हेतु संयुक्त निदेशक कार्यालय, मुख्य योजना अनुभाग, छठी मंजिल, विकास मीनार, आई.पी. एस्टेट, नई दिल्ली में सभी कार्य-दिवसों को उपलब्ध रहेंगे।

[सं. एफ-9(7)/97/एम.पी.]

विश्व मोहन बंसल, आयुक्त एवं सचिव

DELHI DEVELOPMENT AUTHORITY

(Master Plan Section)

PUBLIC NOTICE

New Delhi, the 2nd August, 1999

S.O. 2243.—The following modification, which the Central Government proposes to make in the Master Plan for Delhi-2001, is hereby published for public information. Any person having any objections/suggestions with respect to the proposed modification may send the objections/suggestions in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi, within a period of 30 days from the date of issue of this notice. The person making the objections/suggestions should also give his name and address.

MODIFICATION :

"The land use of an area, measuring 9596.87 sqm. falling in Zonal Plan of Zone 'F' (South Delhi-I) and bounded by existing Nallah in the North, Telephone Exchange store in the South, Railway Line in the East and 24 M. wide road (FCI Godowns) in the West, is proposed to be changed from 'Industrial use' to 'Public and semi-public facilities' (Sr. Sec. School-8996.87 sqm. and 600 sqm. for Barat Ghar) in village Tehkhand."

2. The plan indicating the proposed modification shall be available for inspection at the office of the Joint Director, Master Plan Section, 6th floor, Vikas Minar, I.P. Estate, New Delhi, on all working days during the period referred above.

[No. F. 9(7)/97/MP]

V. M. BANSAL, Commissioner-cum-Secy.

सार्वजनिक सूचना

नई दिल्ली, 2 अगस्त, 1999

का. आ. 2244.—केन्द्रीय सरकार का दिल्ली मुख्य योजना/जोन्स विकास योजना में निम्नलिखित संशोधन करने का

प्रस्ताव है, जिसे ग्राम जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। यदि किसी व्यक्ति को प्रस्तावित संशोधन के सम्बन्ध में कोई आपत्ति/सुझाव देना हो, तो वे अपनी आपत्ति/सुझाव इस सूचना के जारी होने की तिथि से 30 दिन की अवधि के अन्दर आयुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, 'बी' ब्लॉक, आई.एन.ए., नई दिल्ली को लिखित रूप में भेज दें। आपत्ति/सुझाव देने वाले व्यक्ति को अपना नाम और पता भी देना चाहिए।

संशोधन :—

"प्लानिंग डिवीजन 'एफ' (दक्षिणी दिल्ली-I) के अंतर्गत आने वाले लगभग 12.4 हैक्टेयर (30.6 एकड़) क्षेत्र, जो उत्तर में विद्यमान रोड, पूर्व एवं दक्षिण में जिना पार्क और पश्चिम में विद्यमान हॉट मिक्स प्लांट एवं जिला पार्क से घिरा हुआ है, के भूमि उपयोग को 'मनोरंजनात्मक' (जिला पार्क) में 'आवासीय' में बदला जाना प्रस्तावित है।"

2. प्रस्तावित संशोधन को दशनि वाला नक्शा उपर्युक्त अर्वाध के अन्दर सभी कार्य दिवसों में निरीक्षण हेतु संयुक्त निदेशक कार्यालय, मुख्य योजना अनुभाग, विकास मीनार, छठी मंजिल, आई.पी. एस्टेट, नई दिल्ली में उपलब्ध रहेगा।

[सं. एफ 20 (19)/95/एम.पी.]

विश्व मोहन बंसल, आयुक्त एवं सचिव

PUBLIC NOTICE

New Delhi, the 2nd August, 1999

S.O. 2244.—The following modification, which the Central Government proposes to make in the Master Plan/Zonal Development Plan for Delhi, is hereby published for public information. Any person having any objections/suggestions with respect to the proposed modification may send the objections/suggestions in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, 'B' Block, INA, New Delhi, within a period of 30 days from the date of issue of this notice. The person making the objections/suggestions should also give his name and address.

MODIFICATION :

"The land use of an area, measuring about 12.4 ha. (30.6 acres) falling in Planning Division 'F' (South Delhi-I) and bounded by existing road in the North, District Park in the East and South and existing Hot Mix Plant and Distt. Park in the West, is proposed to be changed from 'recreational' (District Park) to 'residential'."

2. The plan indicating the proposed modification shall be available for inspection at the office of Joint Director, Master Plan Section, Vikas Minar, 6th floor, I. P. Estate, New Delhi, on all working days within the period referred to above.

[No. F.20(19)95]MP]

V. M. BANSAL, Commissioner-cum-Secy.

विद्युत मंत्रालय

नई दिल्ली, 26 जुलाई, 1999

का.आ. 2245.— केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, वरिष्ठ प्रबंधक (कार्मिक और प्रशासन) बैरा स्यूल जल विद्युत परियोजना, सुरंगानी जो नेशनल हाइड्रो इलैक्ट्रिक पावर कारपोरेशन लिमिटेड के अधिकारी है और जो सरकार के राजपत्रित अधिकारी के समतुल्य पंक्ति के हैं, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेंगे और उक्त प्रयोजन के लिए भारत सरकार के विद्युत मंत्रालय की अधिसूचना संख्यांक सा.का. 3513, तारीख 19 सितम्बर, 1986 में, जो कि भारत के राजपत्र, भाग-2, खण्ड 3, उपखण्ड (ii) तारीख 11 अक्तूबर, 1986 में प्रकाशित हुई थी, निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिसूचना के नीचे दी गई सारणी के स्तंभ 1 में क्रम संख्यांक 1 के सामने “जेष्ठ प्रबंधक (कार्मिक और प्रशासन), बैरा स्यूल जल विद्युत परियोजना, सुरंगानी, जिला - चम्बा (हिमाचल प्रदेश)” प्रविष्टि के स्थान पर “प्रबंधक (सिविल), बैरा स्यूल परियोजना, सुरंगानी, जिला चम्बा (हिमाचल प्रदेश)” प्रविष्टि रखी जायेगी।

[सं.एस. 16/16/97-डी ओ (एन एच पी सी)]

शैलेश, निदेशक

MINISTRY OF POWER

New Delhi, the 26th July, 1999

S.O. 2245.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Senior Manager (Personnel and Administration), Baira Siul Hydro-electric Project, Surangani, an officer of the National Hydro electric Power Corporation Limited, being an officer equivalent to the rank of Gazetted Officer of the Government, to be an estate officer for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act, within the local limits of his jurisdiction and for the said purpose makes the following amendments to the notification of the Government of India in the Ministry of Power, number S.O. 3513 dated the 19th September, 1986, published in the Gazette of India, 2203 GI/99.—5

Part II, Section 3, Sub-section (ii) dated the 11th October, 1986, namely :—

In the table below the said notification, in column 1, against serial number 1. for the entry “Senior Manager (Personnel and Administration), Baira Siul HE Project, Surangani, District Chamba (Himachal Pradesh)”, the entry “Manager (Civil), Baira Siul Project, Surangani, District Chamba (Himachal Pradesh)” shall be substituted.

[N. F. 16/16/97-DO (NHPC)]

SAILESH, Director

नई दिल्ली, 26 जुलाई, 1999

का.आ. 2246.— केन्द्रीय सरकार, सरकारी स्थान (अधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के विद्युत मंत्रालय की अधिसूचना संख्यांक सा.का 1846 तारीख 9 जुलाई, 1997 को अधिस्तृत करते हुए, नीचे की सारणी के स्तंभ 1 में उल्लिखित प्रबंधक (सिविल) सलाल जल विद्युत परियोजना, ज्योतिपुरम, जम्मू-काश्मीर को जो नेशनल हाइड्रो इलैक्ट्रिक पावर कारपोरेशन लिमिटेड के अधिकारी है, और जो सरकार के राजपत्रित अधिकारी के समतुल्य पंक्ति का है, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो उक्त सारणी के स्तंभ (2) में खनि-दिष्ट सरकारी स्थान की वास्तु अपनी स्थानीय अधिकारिता की सीमाओं के भीतर, उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और उस पर अधिरोपित कर्तव्यों का पालन करेगा—

सारणी

अधिकारी का पदनाम	अधिकारिता की स्थानीय सीमाएं और सरकारी स्थानों के प्रबंध
1	2
प्रबंधक (सिविल) सलाल	जम्मू-काश्मीर राज्य में ध्यानगढ़, बिड्ढा
जल विद्युत परियोजना,	तलवाडा, ज्योतिपुरम रिआसी स्थित
ज्योतिपुरम (जम्मू-काश्मीर)	सलाल परियोजना क्षेत्र और उससे संबंधित
	सभी परियोजना क्षेत्र जिसका प्रावासिक/ गैर-प्रावासिक आवास सुविधा/भवन, जिसमें दुकान/ सड़कें/संरचनाएं आदि भी आती है, अन्तर्गत जम्मू-काश्मीर में सलाल परियोजना, उधमपुर जिला की या उसके द्वारा या उसके निमित्त पट्टे पर ली गई हो।

[सं. एफ. 16/16/97-डी ओ (एन एच पी सी)]

शैलेश, निदेशक

New Delhi, the 26th July, 1999

S.O. 2246.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of Government of India in the Ministry of Power, number S.O. 1846 dated the 9th July, 1997, the Central Government hereby appoints the Manager (Civil), Salal Hydroelectric, project Jyotipuram, Jammu and Kashmir, an officer of the National Hydro electric Power Corporation Limited, mentioned in column 1 of the table below, being an officer equivalent to the rank of Gazetted Officer of the Government, to be an estate officer for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column 2 of the said table:—

TABLE

Designation of the Officer	Local limits of jurisdiction and categories of public premises
1	2
Manager (Civil), Salal Hydro-Electric Project, Jyotipuram (Jammu and Kashmir)	Project area of the Salal Project Udhampur at Dhyangarh, Bidda, Talwara Jyotipuram Reasi and all other connected Project areas in Jammu and Kashmir State and Premises including residential/non-residential accommodation/buildings/shops/roads/structures, etc. belonging to or taken on lease by or on behalf of Salal Project, Udhampur District in Jammu and Kashmir.

[No.F.16/16/97-DO(NHPC)]
SAILESH, Director

श्रम मंत्रालय

नई दिल्ली, 12 जुलाई 1999

का.आ. 2247.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-99 को प्राप्त हुआ था।

[सं. एल-22012/348/95-सी-II]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 12th July, 1999

S.O. 2247.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on the 25-6-99.

[File No. L-22012/348/95-IR(C-II)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL, ASANSOL
REFERENCE NO. 21 OF 1996

Present :

Shri R. S. Misra, Presiding Officer.

Parties :

Employers in relation to the management of
Food Corporation of India, Durgapur.

AND

Their workmen

Appearances :

For the Employers.—Shri P. K. Das, Advocate.

For the Workmen.—Shri Gopal Nayak, Secretary of the Union.

INDUSTRY : Food

STATE : West Bengal

Dated, the 9th June, 1999

AWARD

1. The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/348/95-IR(C-II), dated 18-7-96.

SCHEDULE

“Whether the demand of Durgapur Casual Workers Union for absorption of 49 casual workmen as per list enclosed by the management FCI, Durgapur is justified? If not, what relief they are entitled to?”

2. The admitted back ground.—The Durgapur Food Corporation District had long back set up a rice Mill in the same and style of Modern Ripe Mill at Durgapur and it had been handed over successive contractors for running the same. The concerned workmen (as per list) had been working as contract labour under the contractors in the rice mill. The

last contractor was M/s. Civicon. The contract system was terminated and the rice mill was closed in 1990/1991. Thereafter the concerned workmen were directly employed by the Food Corporation of India in June, 1991 as casual employees on daily wage basis in the Food Storage Depot at Durgapur, for performing the jobs of sweeping godown floors and wagons, putting covers on infested stocks for fumigation purpose, cutting grass, collection and bagging of spillages from godowns/wagons etc. Even now also their casual employment has been continuing. They are paid wages for six days in a week at the minimum wage rate prescribed by the West Bengal State Government, the seventh day in each week being treated as a break in their employment.

3. The union's version :—The jobs performed by the concerned casual workmen are indispensable for the Food storage depot and the same are of perennial nature. In fact the concerned workmen have been continuously working for six days in every week. For discharging same and similar type of functions, the management has got the system of engaging its own regular employees. They should be accordingly absorbed permanently.

4. The management's version :—The nature of jobs performed by the concerned casual workmen is of purely temporary nature and the job requirement does not justify their continued deployment. They were employed as casual workers in June, 1991 not because of permanent necessity, but rather on their demand for employment after the rice mill was closed. Therefore they cannot be permanently absorbed.

5. In course of hearing, it was felt necessary to ascertain correctly (i) what is the specific nature of duties these workmen have been discharging, (ii) whether the said nature of duties are essential in running the godowns of the Food Storage Depot and (iii) if so, how such works are being discharged in other F.C.I. districts. According vide order dated 17-9-98 the parties were instructed to file affidavits giving informations concerning these three specific points. The District Manager of the F.C.I. accordingly filed an affidavit dated 18-11-98 mentioning that the nature of jobs performed by the casual labourers are both of operational and allied technical nature. He further mentioned in his affidavit that the following specific jobs are performed by them :—

- (a) Sweeping of godown and wagon floors.
- (b) Collection and bagging of spillages from godowns and wagons.
- (c) Putting covers on the infested stocks for fumigation purpose.
- (d) Clearing food grains through hand tools for removing foreign particles.
- (e) Upgradation of upgradable stock by manually sieving from ear marked stocks.

Instead of answering whether the said nature of duties are essential in running the godowns, it has been mentioned in the affidavit that the jobs are of purely temporary nature. It is not answered now

such works are being discharged in other F.C.I. districts. It is obvious that information on this third point has not been deliberately furnished in the affidavit, lest it may disclose that in other F.C.I. districts these jobs are performed by regular employees. The interesting point is that the District Manager on one hand says that the jobs are operational as well as allied technical in nature and on the other hand says that the same are purely temporary in nature. It can not be accepted that operational jobs necessary for running Food storage depot would be temporary in nature. A lay-man would say that these jobs are perennial in nature.

6. The management does not say that after the rice mill was closed and the contract with the contractor for running the mill was terminated, the concerned workmen who had been during the relevant period deployed under him as contract labour were retrenched with full retrenchment benefits and that only after such retrenchment they were given re-employment as casual workers. Therefore whether or not retrenchment benefits were given to them after termination of the contract labour system is very much doubtful. In this connection the following categories averment in para 8 of the W.S. of the management should be taken due note of :

“The fact remains that the concerned contract workmen, when the mill's function was stopped had raised demand for continuation of their engagement in the F.C.I. depot in the year June, 1991 and the management, though there was no scope for engagement, had agreed to engage them as casual workers on daily wages basis in an emergency and to avoid dislocation of public distribution system at the godown and railway siding for doing the work of”.

The management has omitted to speak about the question of retrenchment of the concerned workmen, after the contract labour system was stopped. It seems the management concealed the actual position on this question, lest it would disclose that there was no due retrenchment of the contract labours after the contract system was brought to an end.

7. The factual position which thus emerges from the foregoing discussion is that the concerned workmen were straight away brought to the employment under the F.C.I. by engaging them as casual workers without retrenching them with full benefits after the contract system was terminated for preventing dislocation in public distribution system and that since then they have been continuously engaged on daily wage basis in every week for the operational requirements of running the F.S.D. at Durgapur. They stand deprived from the privileges of permanent workmen through such continued casualisation and it amounts to unfair labour practice vide item No. 10 in part-I of the fifth schedule in the I.D. Act. Social justice requires that an end to it should be brought through their permanent absorption.

8. Concluding observation and direction.—The demand of Durgapur Casual Workers' Union for absorption of 49 casual workmen (as per list) by the management of F.C.I. Durgapur is justified. The concerned casual workmen be absorbed by the management within three months from the date of enforceability of this Award.

The reference is answered accordingly.

R. S. MISRA, Presiding Officer

w.e.f. 1976 to July 1991
at FSD, Durgapur.

01. Gandalal Debnath	Late Rashmohan Debnath
02. Sudir Mondal	Late Nishikanta Mondal
03. Biswanath Mondal	Late Kinkarnath Mondal
04. Kurali Mohan Singha	Shri Anaih Bandhu Singha
05. Nani Gopal Kumbhakar	Shri Kshudi Ram Kumbhakar
06. Khokan Bauri	Late Gorachand Bauri
07. Mukta Pada Dutta	Late Madan Mohan Dutta
08. Sukumar Maity	Late Kattick Lal Maity
09. Sibnath Paul	Late Khudiram Paul
10. Ranjit Man	Late Kamala Kanta Man
11. Asit Bhadra	Late Nishakar Bhadra
12. Ram Krishna Ghose	Shri Amulya Kumar Ghose
13. Rajendra Singh	Shri Kapil Deb Singh
14. Dhaneswar Das	Late Rakhal Das
15. Sukhlal Singh	Late Bhaghu Singh
16. Santi Ranjan Dey	Late Jogendra Dey
17. Kumeresh Biswas	Late Govindalal Biswas
18. Gayashyam Kumbhakar	Late Khudiram Kumbhakar
19. Niranjana Man	Shri Tinkar Man
20. Satrugana Das	Shri Baleswar Das
21. Khagendra Nath Mazumdar	Late Jitendra Nath Mazumdar
22. Lalu Bauri	Late Bankim Bauri
23. Rajendra Ram	Shri Sridhar Ram
24. Sisir Garai	Late Andanda Garai
25. Dulal Das	Shri Bholanath Das
26. Suchitra Goswami	Late Sunil Goswami
27. Gopal Nayak	Late Krishna Nayak
28. Rabin Mazumdar	Late Jitendra Nath Mazumdar
29. Shyama Pada Khumbakar	Shri Nirmal Ch. Khumbakar
30. Subhas Bauri	Late Gorachand Bauri
31. Subimal Maity	Late Kartick Ch. Maity
32. Upendra Singh	Shri Dhuga Singh
33. Bablu Bauri	Shri Gokul Bauri
34. Subodh Garai	Late Kalipada Garai
35. Sanjib Paul	Shri Gopiram Paul
36. Ajit Dutta	Late Kamakhya Dutta
37. Jaysankar Das	Shri Amulya Das
38. Ashim Ghose	Late Adhir Kr. Ghosh
39. Dilip Das	Late Panchugopal Das
40. Prabhat Ghose	Late Dijendra Ghose
41. Ashis Banerjee	Shri Harihar Banerjee
42. Kanchilal Bhowmick	Late Makhan Lal Bhowmick
43. Nema Karmakar	Late Gopal Ch. Karmakar
44. Baidyanath Singh	—
45. Smt. Bijala Bauri	Shri Chinta Bauri
46. Smt. Sabitri Bauri	Shri Haradhan Bauri
47. Smt. Rani Bauri	Late Laphar Bauri
48. Smt. Sagari Bauri	Late Subhas Bauri
49. Shri Raj Kumar Jha	Shri Lutan Jha

नई दिल्ली, 12 जुलाई, 1999

का.आ. 2248.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एस.सी.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-99 को प्राप्त हुआ था।

[सं. एल-22012/227/97-सी-II]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 12th July, 1999

S.O. 2248.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCCL and their workman, which was received by the Central Government on 22-6-99.

[No. L-22012/227/97-C-II]

V. S. A. S. P. RAJU, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL—I AT HYDERABAD

PRESENT :

Sri. C. V. Raghavaiah, B.Sc., B.L., Industrial Tribunal-I.

Dated : 10th Day of May, 1999
Industrial Dispute No. 14 of 1998

BETWEEN

Singareni Collieries C. Assn., Vice President,
SCCA, Qrs. 43, SRP Clny and PO, Distt.
Adilabad (AP) Adilabad. . .Petitioner

AND

M/s. S.C. Co. Ltd., Sreerampur, General Manager
M/s. SCCL, Sreerampur, Sreerampur-
504 303. . .Respondent

APPEARANCES :

Sri K. Vasudeva Reddy, Advocate for the
Petitioner.

Sri J. Parthasarathy, Advocate for the Respondent.

AWARD

This is a reference made under Section 10(1)(d) and Sub-Section 2A of Industrial Disputes Act by the Government of India, Ministry of Labour, New Delhi by its order dt. 22-7-1998 in No. L-22012/227/97/IR(CM-II) to this Tribunal for adjudication of following disputes :—

“Whether Sh. B. Krishna, (2) A. Ravikumar, (3) Ch. K. Murthy, (4) R. Vidya Rao,

(5) M. V. N. Rao, (6) N. Narayana, (7) Ch. Ratnakara Rao, (8) K. S. N. Charyulu, (9) K. Sudhakar, (10) S. Van-kateswarlu, (11) I. Ch. Rao, (12) G. S. N. Reddy and (13) Sr. K. Murthy, Clerks under the General Manager, M/s. SCCL, Sreerampur Divn. are entitled to same and similar relief of stepping up of basic pay on par with Mr. D. S. Rao Special Grade clerk of C.C.C. Dispensary enhanced in accordance with a settlement dated : 31-5-96 signed U/s. 18(1) of the Industrial Dispute Act or not? If not, to what relief they are entitled to?”

The above reference was taken on file as I.D. No. 14/98. On being served with notices, both the parties made their appearance through counsels and filed their respective pleadings.

2. The claim statement was filed by the Vice President on behalf of the petitioner union with the following allegations. M/s. B. Krishna and 9 others on whose behalf this was raised and Sri D. S. Rao B. Raghavacharyulu P. Satyalingam and K. Ranga Rao and others were appointed in the year 1979 through the same recruitment. But Sri. D. S. Rao and 3 others raised industrial disputes on the ground of pay anomaly and for stepping up their basic pay on par with one Ch. Gangadhar. The said disputes were referred to this Tribunal and numbered as ID No. 30 and 47/92. After enquiry, this Tribunal accepted the above reference on 8-1-95 by passing an award directing the management to step up of the basic wage of above 4 individuals on par with the Gangadhar with effect from 1-9-90. Subsequently a memorandum of settlement dt. 31-5-96 was entered into under Section 18(1) of I.D. Act by the Management by agreeing to step up basic pay of Sri D. S. Rao and 3 others on par with that of Ch. Gangadhar notionally from 1-9-90 and granting monetary benefit from 1-9-95 proceedings were issued accordingly in respect of above 4 persons.

After basic pay of Sri D. S. Rao and 3 others who were appointed along with 10 workmen concerned to this dispute was stepped up the workmen concerned to this dispute made representation to the management to revise their on par with Sri D. S. Rao and others. But their request was not considered. Hence their cause was taken up by the petitioner-union before the Conciliation Officer. But it ended in failure leading to the above reference.

It is contended that workmen concerned to this dispute and Sri D. S. Rao and 3 others were recruited in the same year and by same authority though posted in different mines in the same region. But as a result of stepping up Sri D. S. Rao and 3 others are paid basic pay of Rs. 3,788 from 1-9-98 while the workmen concerned in this I.D. are paid basic pay of Rs. 3,658 as such there is wage anomaly though all of them belong to same cadre, same batch and performing similar duties. The union thus prayed that an award may be passed directing the respondent to step up the basic pay of 10 workmen concerned to this I.D. to be on par with Sri D. S. Rao and three others whose basic pay was ordered to be stepped up on par with Ch. Gangadhar by this Tribunal in I.D. No. 30 and 47/92.

3. The respondent filed a detailed counter contending inter alia as follows : The reference is bad as there is no industrial dispute and further there is no wage anomaly and petitioner union is not recognised union and the Guruprasad i.e. Vice President who raised the dispute is no longer in service of the respondent. Matter of pay anomalies is governed by National Coal Wage Agreement which is binding on all the workmen. According to the respondent the petitioner cannot compare pay scale of the affected workmen with Sri D. S. Rao and 3 others as the salary of the above individual was stepped up as per the agreement dated 31-5-96. It denied that finding is given about pay anomaly in I.D. 30 and 47/92 and even otherwise the award in those proceedings cannot be precedent and further the above agreement dated 31-5-96 cannot be extended to the workmen concerned to this I.D. as they are not parties to above settlement. It thus contended that workers concerned to this I.D. cannot claim basic pay on par with D. S. Rao and 3 others whose pay was stepped up on par with that of Sri Gangadhar which was itself erroneous. It however admitted that petitioner union raised dispute before ALC and it ended in failure and about I.D. 30 and 47/92 and in the above I.Ds. this Tribunal has decided that Sri D. S. Rao and 3 others are entitled for stepping up their basic pay to that of Sri Ch. Gangadhar. It however contended that case of Sri D. S. Rao and 3 others is not similar to that of the workmen whose cause the petitioner union is espousing. The respondent thus prayed that the reference may be rejected holding the petitioner is not entitled to any relief.

4. On the basis of above contentions, the only point that arises for consideration is :

Whether Sri B. Krishna and 9 others are entitled to stepping up of their basic pay on par with that of Sri D. S. Rao and 3 others ?

5. The petitioner union examined two of the affected workers viz., Sri Venkateswarlu and Narasimha Rao as WW1 and WW2 and filed Exs. W1 to 10. On behalf of the respondent one Sri A. Pothuraju Dy. Personnel Manager was examined as MW1 and Exs. M1 to 8 are filed.

6. Point.—It is contended on behalf of the petitioner that WW1 and WW2 and 11 other workmen concerned in this dispute as well Sri D. S. Rao and 3 others were sponsored by the Employment Exchange, that they sat for written test in the year 1978, that all of them were selected and appointed by the General Manager Beltempalli on initial basic pay of Rs. 378.00 as probationary clerk Grade II, that as on 1-9-90 all of them were drawing same basic pay of Rs. 1702 but subsequently the basic pay of Sri D. S. Rao and 3 others was fixed at Rs. 1769 by stepping up their basic pay and hence there is anomaly in the basic pay of WW1, WW2 and 11 other workmen and that of Sri D. S. Rao though all of them are doing similar work, as such their basic pay has to be stepped up to be on par with that of Sri D. S. Rao and 3 others in respect of whom this Tribunal in I.D. 30 and 47/92 i.e. Ex. M1 award directed the respondent to step up their basic pay

on par with that of one Gangadhar and the respondent having accepted the said award entered into Ex. W8 agreement and raised their basic pay. It is thus contended that as WW1, WW2 and 11 other workmen as well as Sri D. S. Rao are recruited in the same year, by the same authority and as they are discharging similar duties though working in different areas, the basic pay of WW1, WW2 and 11 others have to be stepped up to remove the anomaly otherwise they will suffer irreparable loss and the petitioner got the dispute referred as the conciliation proceedings ended in failure. The petitioner thus prayed for passing award in its favour.

7. The contention of the respondent on the other hand is that case of WW1, WW2 and 11 others is not similar to that Sri D. S. Rao and 3 others whose basic pay was stepped up pursuant to Ex. W8 agreement which cannot be extended to WW1 and 12 others as they are not parties to the said agreement, that award in I.D. Nos. 30 and 47/92 i.e. Ex. M1 cannot be precedent as the reference was not properly answered and Ex. M1 agreement cannot be the basis for the claim of the WW1 and 12 others. It further contended that reference is bad as the petitioner is not recognised union, that its Vice President cease to be employee of the respondent and pay and service condition of workmen of the respondent is governed by National Coal Wage Agreement and should be settled by J.B.C.C.I. It thus contended that petitioner cannot claim pay parity with Sri Gangadhar who is an internal candidate. The respondent thus contended that petitioner is not entitled to any relief in respect of WW1, WW2 and 11 other workmen.

8. Before going into merits of rival contention, it is useful to set out factual matrix of the case as revealed from the oral and documentary evidence placed on record. The respondent advertised and called for application for the post of Probationary Clerk Grade-II in the year 1978 both by direct recruitment and by way of promotion of the service candidates by holding written examination WW1, WW2 and 11 other workmen concerned in this dispute besides Sri D. S. Rao and 3 others were sponsored by the Employment Exchange. They were selected and appointed to the above post in the year 1978. Ex. W1 is the Hall Ticket of WW1, Ex. W2 is the syllabus for the post of Probationary Clerk, II, Ex. W3 to 5 office orders issued to them and others while Ex. W6 is the posting orders dt. 1-4-1979 posting them to Ravindrakhani. Ex. W7 is implementation instruction No. 18 dt. 28-12-89 of National Coal Wage Agreement No. IV. The S. C. Workers union earlier raised dispute for stepping up the basic pay of Sri C. K. V. Raghavacharyulu P. Satya Lingam and K. Gangaraju and D. S. Rao on par with one Sri Gangadhar the same was referred to this Tribunal and numbered as I.Ds. 30 and 47/92. Ex. M1 common award passed on 8-6-1995 directing the respondent to step up their basic pay on par with Sri Gangadhar. The respondent thereafter entered into Ex. W8 agreement dt. 31-5-1996 with the above union under Section 18(1) of I.D. Act and stepped up their basic pay of Sri D. S. Rao and 3 others on par with Sri Gangadhar with effect from 1-9-90 notionally and monetary benefit from

1-9-95. Consequently their basic pay is fixed at Rs. 3788 with effect from 1-9-88 while that of WW1, 2 and 11 others is Rs. 3658 with the result there is wage anomaly.

9. The petitioner union made Ex. W9 representation to Asst. Labour Commissioner Mancherial regarding the same as the Management did not consider the representation of WW1 and other 12 workmen to step up their basic pay on par with Sri D. S. Rao and 3 others. But the proceedings ended in failure as borne out Ex. W10 leading to this reference.

10. Ex. M2 is the office order dt. 7-8-95 finding one Guruprasad i.e. Vice President of petitioner union guilty of the charge levelled against him. Ex. M3 is the office order dt. 12-3-79 appointing Sri Raghavacharyulu and others as probationary Clerk Grade II. Ex. M5 is same as Ex. M3 Ex. M4 is the office order dt. 17-4-81 sanctioning annual increment to Sri D. S. Rao, Ex. M6 office order dt. 2-4-1998 stepping the basic pay of Sri Ch. V. Raghavacharyulu after rectifying the anomaly as per Ex. W8 agreement, Ex. M7 and 8 are the office orders dt. 2-12-96 and 24-6-97 stepping up the basic pay of Sri D. S. Rao on par with Ch. Gangadhar Clerk Grade I as per Ex. W8 settlement.

11. The point in controversy is whether the case of Sri D. S. Rao and 3 others can be the basis for granting relief to WW1, WW2 and 11 others and the respondent is not justified in denying the same.

12. From the evidence placed on record it is manifestly clear that WW1, WW2 and 11 others concerned to this dispute, Sri D. S. Rao and 3 others were appointed as Probationary Clerk Grade II in the year 1978-79 after written test having been sponsored by Employment Exchange, by the same authority while Sri Gangadhar is an internal candidate who is also appointed in same cadre. Though WW1, WW2, 11 others and D. S. Rao, Raghavacharyulu are working in different areas their nature of work is similar. Sri D. S. Rao and others raised disputes through a different union for stepping up their basic wage on par with Gangadhar. The said dispute was referred to this Tribunal as ID 30 and 47/92 Ex. M1 common ward was passed holding that there is wage anomaly. Subsequently Ex. M8 agreement was entered with them by the management and their basic pay was stepped up on par with Sri Gangadhar as borne out by Ex. W6 to 8. They were given monetary benefit from 1995 and notionally from 1-5-1995 consequently Sri D. S. Rao is drawing basic pay of Rs. 3788 while WW1, WW2 and 11 others are paid basic pay of Rs. 3658. Thus there is pay disparity between WW1, WW2 and 11 other workmen and Sri D. S. Rao as admitted by MW1 and in the written arguments filed on behalf of the management though all of them are discharging clerical duties which are similar in nature. MW1 further admitted that basic pay of D. S. Rao and 3 others stepped upon par with Sri Gangadhar and D. S. Rao as well as the workmen concerned to this dispute based their claim on Ex. W7 as conceded by MW1. Though MW1 chose to say that pay of Sri Gangadhar was wrongly fixed by giving

additional increment, he admitted Ex. W8 settlement is silent on this point and no steps taken to correct the alleged mistake in fixing the basic pay of Sri Gangadhar. Though MW1 chose to say that WW1 and WW2 and others are not entitled to stepping up on par with D. S. Rao, he could not assign any reason. Admittedly petitioner is claiming that basic pay of WW1 and others has to be stepped up on par with Sri D. S. Rao and 3 others but not on par with Sri Gangadhar though it is true on the basis of Sri Gangadhar's pay, the basic pay of Sri D. S. Rao and 3 others covered by I. D. 30 and 47/92 was stepped up.

13. As the basic pay of Sri D. S. Rao and 3 others was admittedly stepped up with monetary benefit from 1-9-95 while that of MW1, WW2 and 11 other workmen concerned in this dispute was not stepped up inspite of their request, there is an industrial dispute as there is wage anomaly as they are drawing less pay though appointed along with Sri D. S. Rao and others and discharging similar duty. Hence I am unable to agree with the contention of the respondent that there is no wage anomaly as alleged in the claim statement.

14. I am also unable to agree with the respondent that in Ex. M1 Award the reference was not properly answered and it cannot be precedent. A perusal of Ex. M1 would show that this Tribunal considered at length the pay parity between Sri D. S. Rao and 3 others and their junior Sri Gangadhar. It would appear from the award while Sri Gangadhar in inservice workman junior clerk is drawing higher basic pay than Sri D. S. Rao and others and the Personnel Manager examined in this reference could not explain the above anomaly as in the present case. The learned counsel could not say how the above references are not answered properly as under Ex. W8 agreement also the management agreed to step up basic pay of Sri D. S. Rao and 3 other on par with Sri Gangadhar which is the subject matter of I.D. Nos. 30 and 47/92. I am of the view that facts in the present I.D. and earlier I.D. are almost identical Ex. M1 award can be taken as precedent. Even, if it is assumed that it cannot be taken as precedent I am of the view that WW1 and WW2 are definitely entitled to have basic pay on par with Sri D. S. Rao and others as all of them belong to same cadre, appointed in the same year by same authority and discharging clerical duties of similar nature.

15. I am also of the view that Ex. W8 agreement entered into under Section 18(1) of I.D. Act by the Management can be made basis for the claim of the petitioner though it was entered into with individual workman. There can be no doubt that above agreement is binding only on the parties to it. I feel that though WW1 and others are not party to it, they can seek for its extension to them also. I am of the view when facts are similar and when the management has no explanation to offer as to how WW1, WW2 and 11 others are not entitled to pay parity with Sri D. S. Rao, I am of the view that Ex. W8 agreement which is based on Ex. M1 award can also be made the basis. As there is no prohibition for entering into agreement under section 18(1) of I.D. Act, There is

no bar in extending the same to similarly placed workers. It is well known principle of law that if the pay of the junior is higher than the senior in the same cadre, the pay of the senior has to be stepped up on par with their junior drawing higher pay. In this view of the matter also I feel that the petitioner is justified in seeking the application of Ex. W8 agreement to WW1 and 12 others.

16. It is however urged by the learned counsel that reference is bad as the petitioner is not a recognised union and further Sri Durga Prasad Vice-President of the union is no more employer of the respondent as he is found guilty of the charge as borne out by Ex. M2 and removed from service. I find no merit in this contention also.

17. The claim statement was filed by one Venkateswarlu but not by Sri Guruprasad Vice President of the petitioner union. It is of course true as per Ex. M2 Guruprasad was found to be guilty of misconduct alleged against him and he is dismissed from service with effect from 7-8-1998. But he was in service by the date of giving Ex. W6 representation dt. 17-3-93. Further even by the date of service of reference notice he was in service as the reference is dated 22-7-1998. Simply merely because the petitioner is not a recognised union or not having status of representative capacity by virtue of the election held on 9-9-98, it cannot be said that petitioner union cannot espouse the cause of WW1 and 12 others. As per Section 36 of I.D. Act dispute can be raised by the union or group of workers who have community of interest. Hence I am unable to accept the contention of the respondent that the reference is bad for the above reasons.

18. Hence on a consideration of material placed on record and in view of the above discussion, I am of the view that the respondent is not justified in not stepping up of the basic pay of WW1 and 12 others on par with Sri D. S. Rao and 3 others.

19. In the result the award is passed holding that action of the respondent in refusing to step up of basic pay of WW1 and 12 others on par with Sri D. S. Rao and 3 others is not justified and they are entitled for stepping up of their basic pay on par with Sri D. S. Rao from 1-9-1990 notionally and monetary benefit from 1-9-95 as per Ex. W8 agreement. The respondent is directed to pay the arrears to the claimants within 3 months from the date of publication of award. The reference is answered accordingly. Both parties to bear their own costs.

Written and passed by me on this the 10th day of May, 1999.

C. V. RAGHAVAIAN, Industrial Tribunal-I
Appendix of evidence

Witness examined for petitioner

WW1 : S. Venkateswarlu

WW2 : M. V. Narasimha Rao.

Witness examined for respondent

MW1 : A. Potha Raju.

Documents marked for the petitioner

- Ex. W1 : Hall Ticket issued issued by management to WW1.
 - Ex. W2 : Syllabus for the probationary clerk Grade II.
 - Ex. W3 : Appointment order dt. 15-3-78 issued to workmen covered under this I.D.
 - Ex. W4 : —do— dt. 13-3-78 —do—
 - Ex. W5 : —do— dt. 25-3-78 —do—
 - Ex. W6 : Posting orders given to the workmen.
 - Ex. W7 : Xerox copy of implementation instruction No. 18, dt. 28-12-89.
 - Ex. W8 : Copy of the agreement dt. 31-5-96 entered by the management and D. S. Rao and others belonging to S. C. Workers Union.
 - Ex. W9 : Copy of the representation given to ALC dt. 17-3-97.
 - Ex. W10 : Conciliation failure report dt. 9-6-97.
- Documents marked for the respondent
- Ex. M1 : Xerox copy of the Award in ID 30 & 47/92 dt. 8-6-95 passed by this Tribunal.
 - Ex. M2 : Office order dt. 7-8-97 issued by Director (P&A) to Sri K. Guru Prasad Clerk Grade I (Xerox copy).
 - Ex. M3 : Xerox copy of office order dt. 12-3-79 issued by G.M.S.C. Co. Ltd. with regard to appointment of Probationary Clerk Grade II.
 - Ex. M4 : Xerox copy of office order dt. 17-4-80 issued by Project Manager, C.C.C., with regard to granting of annual increment.
 - Ex. M5 : Xerox copy of office order dt. 12-3-79 issued by G.M.S.C. Co. Ltd., with regard to appointment of Probationary clerks Grade II.
 - Ex. M6 : Office order dt. 2-12-96 issued to D. S. Rao Clerk Grade I C.C.C.
 - Ex. M7 : Office order dt. 2-4-98 regarding anomaly in basic fixation comparing with Mr. Ch. V. Raghavacharyulu spl. Grade Clerk.
 - Ex. M8 : Office order dt. 24-6-97 issued to D. S. Rao regarding revision of basic pay fixation of rectification of anomaly.

नई दिल्ली, 12 जुलाई, 1999

का.आ. 2249.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-99 को प्राप्त हुआ था।

[सं. एल-22012/154/90-आईआर(सी-II)]
बी.एस.ए.एस.पी. राजू, ईस्क अधिकारी

New Delhi, the 12th July, 1999

S.O. 2249.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of P.C.I. and their workman, which was received by the Central Government on the 25-6-1999.

(File No. L-22012/154/90-IR(C-II))

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, ASANSOL

REFERENCE NO. 50 OF 1990

PRESENT :

Shri R. S. Misra, Presiding Officer.

PARTIES :

Employers in relation to the management of South Samla
Colliery of M/s. E. C. Ltd.

AND

Their Workmen

APPEARANCES :

For the Employers — Shri P. Banerjee, Advocate.

For the Workmen — Shri M. Mukherjee, Advocate.

Industry : Coal

State : West Bengal.

Dated, the 9th June, 1999

AWARD

1. The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the

Following workers of Samla Colliery (South) Pandaveswar Area.

Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. 22012(154)/90-IR(C-II) dated 6-11-1990.

SCHEDULE

"Whether the action of the management of South Samla Colliery of M/s. E.C. Ltd., P.O. Pandaveswar, Distt. Burdwan in denying employment to Sri Kumarash Bhattacharya, a Register Keeper and 84 other workmen is justified? If not, to what relief are the concerned workmen entitled?"

2. Admitted back ground :—

The concerned workmen had been employees of the erstwhile private owner of South Samla Colliery. Due to financial reasons it was closed on 24-3-67 and its employees including the concerned workmen were retrenched on the said 24-3-67. Some years after nationalisation of coal mines, it was reopened by the Govt. Company in 1988/1989.

3. The union alleges that the concerned workmen offered themselves for re-employment after reopening of the mines, but in violation of Sec. 25-H of the I.D. Act. they were not given re-employment.

4. The management says that there was no offer for re-employment and that moreover the mine was re-started by transferring surplus employees from other units. It is further alleged that there was no new employment in the mine and hence no scope for violating Sec. 25-H of the I.D. Act.

5. No material to show that there was new employment. The management's version regarding transferring of surplus employees from other units for re-starting the mine and the version that there was no new employment has been proved by management's witness No. 1. This evidence is not at all challenged in cross examination. Hence the management's version appears to be true. There being no new employment Sec. 25-H is not attractable.

6. The action of the management of South Samla Colliery in denying employment to the concerned workmen is quite justified.

The reference is answered accordingly

R. S. MISRA, Presiding Officer.

Name	Designation
1. Shri Kumarash Bhattacharjee	Reg. Keeper
2. „ Jiban Krishna Roy	
3. „ Nirmal Kumar Acharjee	Office Clerk
4. „ Gour Ganguly	Fireman
5. „ Golam Mahammad	-do-
6. „ Golam Pit	Safety Lamp Cleaner
7. „ Amaloya Ratan Mondal	Camp Lamp Incharge
8. „ Dayamoy Banerjee	Electrician
9. „ Khalil Khan	
10. „ Habib Khan	Timber Mistry
11. „ Santiram Mondal	Pump Kh.
12. „ Biman Ch. Mondal	Fireman
13. „ Golam Mustafa	Timber Mistry
14. „ Lakshi Karmakar	Safety Lamp Cleaner
15. „ Guru Pada Mukherjee	Engine Kh.
16. „ Banshi Muchi	Banksman
17. „ Golam Mustafa	Pump Kh.

Name	Designation
18. „ Sasadhar Chatterjee	
19. „ Sashadhar Muchi	G. Maz.
20. „ Probodh Kr. Dutta	P/Kh.
21. „ Umar Ali	Miner
22. „ Kabal Bagti	T/Maz.
23. „ Bhakti Dome	Stowing Khooli
24. „ Bhaglu Bagti	Miner
25. „ Kartick Muchi	Safety Lamp Fitter
26. „ Guhram Das	T/Mistry
27. „ Khudiram Bouri	Banker Kh.
28. „ Sudhir Bhandary	Engine Kh.
29. „ Bimal Ch. Pan	
30. „ Bil Kishor Rabidas	
31. „ Masha Murmur	Engine Kh.
32. „ Madhab Dome	Miner
33. „ Baru Muchi	-do-
34. „ Uma Pada Muchi	
35. „ Kalemomi Majhan	
36. „ Narayan Akure	P/Kh.
37. „ Narayan Tanti	-do-
38. „ Ajit Kumar Ghosh	Fitter Helper
39. „ Subal Ghosh	G/Maz.
40. „ Md. Razid	
41. „ Subal Muchi	Onsetter
42. „ Dipak Kr. Roy	
43. „ Sk. Mohamad	Onsetter
44. „ Narayan Gorain	
45. „ Muralidhar Show	
46. „ Aswani Kr. Roy	P/Kh.
47. „ S. K. Nazrual	
48. „ Sisir Kr. Ghosh	P/Kh.
49. „ Sk. Khosai	-do-
50. „ Jaladhar Muchi	-do-
51. „ Abdul Haque	—
52. „ Bankashya Acharjee	P/Kh.
53. „ Rahan Kati	
54. „ Pareshnath Acharjee	Register Keeper
55. „ Paramita Roy (Lt. Sona Roy)	
56. „ Anil Bouri	
57. „ Mantu Das (Muchi)	
58. „ Kartick Dome	
59. „ Uma Pada Singh	
60. „ Jitendra Nath Ghosh	
61. „ Delu Chakraborty	
62. „ Sidheswar Das	
63. „ Akal Das	
64. „ Kalipada Das (Muchi)	
65. „ Santi Ram Ghosh	
66. „ Dharendra Nath Bhandary	
67. „ Chakradhar Bhandary	
68. „ Joydev Goswami	
69. „ Sudhir Kr. Das	
70. „ Madhab Mondal	
71. „ Kamakshya Bhandary	
72. „ Dilip Kumar Roy	

Name	Designation
73. Sr Tapan Kr. Roy	
74. „ Sakti Muchi	
75. „ Habu Bhandary	
76. „ Nabni Karmakar	
77. „ Kanak Kanti Mondal	
78. „ Akal Muchy	
79. „ Sona Muchi	
80. „ Dhanada Kinkar Chattopadhyay	
81. „ Mrinal Kanti Sarkar	
82. „ Ashini Kr. Roy	
83. „ Ashok Kr. Chatterjee	
84. „ Sanjib Chattopadhyay	
85. „ Kaji Roshid	

नई दिल्ली, 12 जुलाई, 1999

Dated, the 10th June, 1999

का.आ.-2250-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-6-99 को प्राप्त हुआ था।

[सं. एल-22012/55/94-आईआर(सी-II)]

वी.एस.ए.एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 12th July, 1999

S.O. 2250.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of E.C.L. and their workman, which was received by the Central Government on the 25-6-99.

[File No. L-22012/55/94-/IR(C-II)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

REFERENCE NO. 13 OF 1994

PRESENT :

Shri R. S. Misra, Presiding Officer.

PARTIES :

Employers in relation to the management of Parbelia Colliery of M/s. Eastern Coalfields Ltd.

AND

Their Workmen

APPEARANCES :

For the Employers.—Shri P.K. Das, Advocate.

For the Workmen.—Shri D. Mukherjee, Advocate, Shri K. Chakraborty, Advocate and Shri Nimai Ch. Dhibar, Secretary of the Union.

INDUSTRY : Coal.

STATE : West Bengal.

AWARD

1. The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/55/94-IR(C-II) dated 24/27-6-94.

SCHEDULE

"Whether the action of the management of Eastern Coalfields Limited in not regularising/departmentalising the 53 workmen (name enclosed as Annexure-I) justified ? If not, to what relief is the concerned workmen entitled to?"

2. The claim by the concerned workmen, shown by the management as contractors' workers, that they are really directly employed workers, has practically given rise to this dispute.

3. The union's version :—

The concerned workmen have been working since 1974 as Blacksmiths, Hammer Men, Tindal, Welder etc. in permanent and perennial sphere of jobs in Parbelia Colliery Area under the Government Company, continuously since 1974 onwards. Their jobs are within colliery premises and have been discharged under supervision and control of competent Officers of the company. But in spite of several approaches, the company has not been treating them like regular employees. The management by its conduct has been committing unfair labour practice. Hence this industrial dispute has been raised.

4. The management's version :—

All the concerned workmen are contractors' workers and direct relationship of employer and employee between the management and the concerned workmen does not exist. The management had issued work orders involving purely temporary nature of mechanical work to contractors namely M/s. Karmakar Engineering Works, Sri Vishwakarma Workshop and one Narayan Lohar. The said contractors had completed the jobs with their own contract labours. The background being so, there is absolutely no justification for such a demand by the concerned workmen.

5. For proper appreciation of the questions involved in this reference, certain legal positions are to be borne in mind.

As per the provision contained in Sec. 1(4) of the Contract Labour (Regulation & Abolition) Act, it is applicable to every establishment in which twenty or more workmen are employed or were employed on any day of the preceding twelve months, as contract labour. Similarly the Act is applicable to every contractor who employs or who employ-

ed on any day of the preceding twelve months twenty or more workmen. According to Sec. 1(3) of the Act, it shall not apply to establishments in which work only of an intermittent or casual nature is performed and it is for the appropriate Government to decide the question whether the work performed is of intermittent or casual nature. According to the definition in Sec. 2(c) of the Act, contractor in relation to an establishment means a person who undertakes to produce a given result for the establishment, other than a mere supply goods or articles of manufacture through contract labour or who supplies contract labour for any work of the establishment and includes a sub-contractor. According to the definition given in Sec. 2(b) of the Act, a workman shall be deemed to be employed as contract labour in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer. Sec. 7 of the Act requires every principal employer of an establishment to which this Act applies to get itself registered with the Registering Officer. Sec. 12 of the Act requires that no contractor to whom this Act applies shall undertake or execute any work through contract labour except under and in accordance with a licence issued by the Licensing Officer. Rule 82(1) of the Contract Labour (Regulation & Abolition) Central Rules, requires every contractor to send half-yearly return in Form XXIV to the Licensing Officer. Similarly Rule 82(2) requires the principal employer of a registered establishment to send annual returns in Form XXV to the Registering Officer. In the decision in "Husainbhai-Vrs.-Alakh Factory Tezhalali Union, A.I.R. 1978 SC 1410", the Hon'ble Apex Court has laid down the principle that the industrial adjudication must lift the veil and look at the conspectus of factors governing employment, though draped in different perfect paper arrangement, to discern the naked truth, whether the real employer is the management, not the immediate contractor.

6. Neither party adduced any oral evidence. The union filed so many documents. The same include 182 work orders issued by the management during the period from 1974 to 1996. Several photocopies of various entries in the Work-done Register maintained by the management have also been filed by the union. Medical papers in respect of four concerned workmen namely Narayan Das, Ramprit Mistry, Bhajshari Karmakar and Kisto Mondal have also been produced. The management produced photocopies of four work orders issued in the year, 1992 only. Genuineness of documents filed by the parties were not disputed by any one of them, rather admitted.

7. On verification of the work orders filed by the union it is found that out of the same seventy-seven work-orders have been issued in the name of Narayan Lohar, who is one of the concerned workman, during the period from 1975 to 1996. It is also found that fifteen work orders have been issued in the name of Bhajshari Karmakar, who is also one of the concerned workman, during the period from 1974 to 1982. Out of the work orders filed by the management one is in favour of the aforesaid Narayan Lohar and three are in favour of Sri Vishwakarma Workshop.

8. The management has taken the categories stand in its W.S. vide para-9 that Karmakar Engineering Works, Vishwakarma Workshop and Narayan Lohar are the contractor. It is not the stand of the management that Bhajshari Karmakar is also a contractor. Therefore he is bound to be treated as a workman. As noticed above, fifteen work orders stand in his name. The management does not explain why these work orders were issued in his name though he is admitted by only a workman. The obvious inference is that these paper arrangements were made only to make payments to him and others working with him. If this is what happened with Bhajshari Karmakar, it would not be illogical to say that the paper arrangements in the name of Narayan Lohar might have been also made to make payments to him and others working with him.

9. Even if Narayan Lohar is assumed to be a contractor, the remaining fifty-two concerned persons are to be treated as workman only. According to the stand adopted by the management, they being contract labours, the establishment would stand covered by the Contract Labour (Regulation &

Abolition) Act because their No. is more than 20. Accordingly the management is supposed to be a registered establishment and it is further supported that it must have been furnishing annual returns in Form No. XXV, as required by Rule 82(2) of the Central Rules. Particulars to be furnished in the Annexure to this Form, are names and addresses of the respective contractors, maximum number of workers employed by each contractor etc. The management did not produce even office copies of such returns filed during the relevant years. The same would have indicated whether the management had treated Narayan Lohar as contractor and had accordingly furnished the required data in respect of him in the annual returns. Non-production of at least office copies of the annual returns raises an adverse inference that the management had not furnished data in respect of Narayan Lohar by not treating him as a contractor. This conclusion is consistent with the earlier inference that the paper arrangements in his name might have been made only for the purpose of making payments to him and others working with him.

10. The work orders reveal that the works assigned under the same are mostly semi-skilled mechanical works such as cutting, fitting, welding etc. One of the stipulations in N.C.W.A.-III was abolition of contract labour system. It is the admitted and accepted position that the management has got its own semi-skilled mechanical staff in different grades. The alleged contract labour system in relevant sphere of semi-skilled mechanical works, could have been easily abolished by engaging the management's direct employees in this sphere.

11. The relevant question which arise for consideration in this connection is whether the works performed by the alleged workmen were of permanent and perennial nature. Coal mines were nationalised in 1972 and on such nationalisation the Eastern Coalfields Ltd. came to be constituted in 1973. The work orders produced by the union relate to the years 1974 to 1996. It may be repeated here that the jobs assigned under the work orders are semi-skilled mechanical jobs broadly coming under the categories of cutting, fitting, welding etc., As the same and similar types of works have been required to be taken up every year repeatedly throughout beginning from roughly the year of organisation of the colliery i.e. 1974, the same appear to be of almost permanent and perennial nature. If the system was really contract labour system, the Govt. company would have definitely departmentalised the said jobs, with a view to abolishing the alleged contract labour system from this field. But admittedly the company did not take any step to departmentalise the said works. This aspect gives an indication of what is the reality behind the veil. The reality appears to be a direct relationship of employer and employee and an attempt by the management to conceal casualisation of the concerned workmen in the guise of contract labour system.

12. Before going to consider some other documents filed by the union it is necessary to note that all the documents produced by the union were brought into evidence on admission by the management vide order dated 16-10-98. Photocopies of entries in work-done register maintained by the management are some of the documents produced by the union. Names of different sets of persons out of the concerned workmen have been noted on different dates in connection with separate jobs in this register. Obviously the practical treatment given to the concerned workmen by the management was like treatment to directly engaged casual workers.

13. The Industrial Tribunal is strictly not a Court and technicalities of the procedural law of Evidence Act is not applicable to it. Therefore the interest of natural justice would some times require the Industrial Tribunal to take the aid of other and independent materials, not placed before it through the strict technical procedure of the Evidence Act, in order to discern the truth. With this end in view, the concerned record of conciliation was called for from the R.L.C. (C), Asansol, vide order dated 16-10-98. The said record contains the FOC (Part-II) (confidential) report by the Assistant Labour Commissioner (Central). It reveals that he had made a visit to the colliery without notice to the parties to observe the real position. What he found on visiting the

colliery has been mentioned by him in para-5(ii) of this report. The same is as follows :—

"The under signed visited to Parbelia, Dubeswari and Bhamoria Colliery without notice to the management and union on 3-12-93 to study the reality of the case. During my visit I found that there is no any contract with any contractor and management and management has not assigned any work to the contractor. Hence the question of contractor and management does not arise at all. Further I advised the management to produce the contractor before the conciliation officer which the management miserably failed to produce any contractor. I further found that two groups of casual workers consist of twenty each in Parbelia and Dubeswari and thirteen in Bhamoria. the management has assigned works to the groups only and payment has been made to the group-leader. (Group leader is also one of the casual workers.) The group leader collects the amount and distributes to all casual workers accordingly."

Considered against the back ground of what is now found on examining different aspects, the aforesaid observation by the A.L.C.(C), Asansol, about what he saw on visiting the colliery, appears to be the true and correct picture.

14. It is thus found that the concerned workmen are not contractors' workers and that in reality they are directly engaged casual employees, their casualisation concealed in the guise of contract labour system.

15. Their continued casualisation right from 1974 for all these years, in the guise of contract labour system, amounts to unfair labour practice within the meaning of I.C.M. No. 10 of part-I in the fifth schedule of the I.D. Act. Social justice requires that and end to it should be brought by way of giving them the status of direct employees.

16. Concluding observation and direction :

The action of the management of E.C.I., in not regularising the concerned workmen (as per list) of Parbelia, Dubeswari and Bhamoria Colliery is not justified. The concerned workmen be regularised within two months from the date of enforceability of the Award by the management, subject of course to their medical fitness for their respective duties.

The reference is answered accordingly.

R. S. MISRA, Presiding Officer

ANNEXURE—1

LIST OF WORKERS CONCERNED

Parbelia Colliery

1. Ramprit Mistry
2. J. K. Chatterjee
3. Lalan Singh
4. Biswanath Karmakar
5. Nirmal Kr. Tiwary
6. Dilip Kr. Barik
7. Narayan Das
8. Sibendar Mistry
9. Nirmal Ch. Dhibar
10. Naresh Rajak
11. Dharbendar Mistry
12. Jogendra Mistry
13. Uday Shaw
14. Narayan Lohar.
15. Sanjay Kr. Biswas
16. Arun Kr. Sarkar
17. Dilip Kr. Sharma
18. Swapan Roy
19. Mojoj Kr. Mistry
20. Binod Kr. Mistry

Dubeswari Colliery

1. Amulya Karmakar
2. Kisto Mondal
3. Shibram Dhibar
4. Prafulla Karmakar
5. Avijit Palit
6. Arup Kr. Bose
7. Bisnupada Karmakar
8. Pramath Mondal
9. Aswini Soren
10. Nagem Karmakar
11. Budhan Karmakar
12. Sambhu Nath
13. Budhan Majhi.
14. Bhim Tandubai
15. Jagadish Mistry
16. Narayan Karmakar
17. Basanta Karmakar
18. Gobinda Bhandari
19. Gnan Prakash Chatterjee
20. Prayag Mahato

Bhamoria Colliery

1. Bhajahari Karmakar
2. Mahadev Karmakar
3. Madhu Karmakar
4. Swapan Badyakar
5. Ganesh Chowdhury
6. Swarup Mukherjee
7. Nirmal Chowdhury
8. Devnarayan Karmakar
9. Debu Chakraborty
10. Moriram Majhi
11. Sadhan Karmakar
12. Dulal Patar
13. Dilip Kr. Sharma

G. Ramchandra

Asstt. Labour Commissioner (Central)

Asansol—1

नई दिल्ली, 12 जुलाई, 1999

का.अ. 2251—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सपानी माईका माईंस, बिहार राज्य, एस.डी.सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-6-99 को प्राप्त हुआ था।

[सं. एस-11025/7/87-डी-4 बी]

वी.एस.ए.एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 12th July, 1999

S.O. 2251.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Sapani Mica Mines of Bihar State, M.D.C.L. and their workman, which was received by the Central Government on 9-6-1999.

[File No. S-11025/7/87-D-IV(B)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. B. Chatterjee,

Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 33 of 1984 (Old)

Reference No. 27 of 1988 (New)

PARTIES :

Employers in relation to the management of Sapani Mica Mines of Bihar State Mineral Development Corporation Limited and their workmen.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

State : Bihar.

Industry : Mica.

Dated, Dhanbad, the 24th May, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 had referred the following dispute to the then Central Govt. Industrial Tribunal No. 3, Dhanbad and the same was registered there as Ref No. 33 of 1984. Subsequently the said reference has been transferred to this Tribunal vide Ministry's Order No. S-11025/7/D.IV(B) dated 31-12-1987 registered in this Tribunal as Ref. No. 27 of 1988.

SCHEDULE

"Whether the management of Sapani Mica Mines of Bihar State Mineral Development Corporation Limited, P.O. Ihumritelaiya, District Hazaribagh are justified in terminating the services of Sri Manu Kumar, Daily rated unskilled Surface workers with effect from 26-12-81? If not, to what relief is the workman entitled?"

2. It reveals from the record of this reference that both the parties appeared and filed their respective W.S. rejoinder etc. But subsequently they both abstained from taking any further steps in this reference. The reference is pending since 1988 and it is of no use to drag the same any more. Under such circumstances, 'No dispute' Award is being ordered and the reference is disposed of on 'No dispute' and on the presumption of non-existence of any industrial dispute between the parties.

B. B. CHATERJEE, Presiding Officer

नई दिल्ली, 14 जुलाई, 1999

का.आ. 2252—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.डी.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-6-99 को प्राप्त हुआ था।

[फाइल सं. एल-22012/118/97-आईआरसी-II]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 14th July, 1999

S.O. 2252.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C.L. and their workman, which was received by the Central Government on 14-6-99.

[File No. L-22012/118/97-IR(C-II)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT

Sri C. V. Raghavaiah, B.Sc., B.L., Industrial Tribunal-I.

Dated, 30th day of April, 1999

Industrial Dispute No. 15 of 1998

BETWEEN

The General Secretary, CCC Workers Union, (ABKMS-BMS) Coal Chemical Complex-504302.

.. Petitioner.

AND

The General Manager (Personnel),
M/s. Singareni Collieries Company Ltd.,
Kothagudem-507101.

.. Respondent.

APPEARANCES :

M/s. G. Vidya Sagar and P. Sudheer Rao, Advocates for the Petitioner.

M/s. I. Panthasarathi, V. Hari Haran and A. Chandra Sekhar, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, New Delhi by Order dated 22-7-98 in No. J-22012/118/97-IR(C.II) referred the following Industrial Dispute under Section 10(1)(d) and sub-section (2A) of I.D. Act to this Tribunal for its adjudication.

"Whether the action of the management of M/s. SCC Ltd. in preponing the date of appointment of Shri R. V. Ramana Rao, Spl. Gr. Clerk to 31-8-78 vide office order No. P(PM)4/3481/358, dated 3-2-93 after lapse of 15 years is legal and justified? If so, whether Shri D. S. Subba Rao and Shri G. Eswara Rao, Spl. Gr. Clerks of M/s. SCC Ltd., are also entitled for same and similar relief along with increment benefits on par with R. V. Ramana Rao or not? If not? To what relief they are entitled?"

On being served with notice of reference which was taken on file and numbered as I.D. 15/98 both the parties made their appearance through their counsels and filed their respective pleadings.

2. The averments in the claim statement filed by the advisor of the petitioner union briefly are as follows: The petitioner is a registered union. The majority of the employees working in coal chemical complex of the respondent company are its members. The dispute is in respect of Sri D. S. Subba Rao and Eswara Rao who are its members. The above two individuals were appointed as probationary clerks vide Exs. W5 and W1 orders dt. 2-8-78 respectively. They reported to duty on 4-9-78 vide Ex. W6 letter dated 4/6-9-1978 of the Project Manager, Coal Chemical Complex. Their services were regularised and promoted as Clerk Grade-I on 1-8-85 and as Special Grade Clerks with effect from 1-3-94. At present Sri D. Subba Rao examined as WW2 is working in RKV incline while Sri Eswara Rao WW1 is working in coal complex.

One R. V. Ramana Rao with whom the above workmen are seeking parity was also appointed as probationary clerk Grade-II vide Ex. W2 order dated 1-9-78 while he reported for duty on 5-4-78. He was also regularised and promoted as Grade I Clerk on 1-9-84 and special grade Clerk on 1-9-93 and he is presently working in S.R.P. II Incline. Thus he is junior to Sri D. S. Subba Rao and Eswara Rao, both as per date of appointments and date of joining.

According to the petitioner while so the respondent vide its proceedings dated 3-2-93 marked as Ex. W5 reckoned the date of appointment of Sri R. V. Ramana Rao as 31-8-84 so as to enable him to get notional benefit of annual increment with effect from 1-9-79 and monetary benefit from 1-5-90. But the same benefit was not extended to WW1 and WW2 though they are seniors to Sri Ramana Rao vide Ex. W12 pay fixation of Sri Ramana Rao and Ex. W13 comparative statement. WW2 Subba Rao gave Ex. W7 representation dated 17-11-95 in this regard to Chairman of the respondent company. The Superintendent of Mines also under Ex. W10 letter dated 10-10-96 and the Project Manager Coal Complex under Ex. W9 letter dated 27-9-96 recommended for giving them above benefits but of no avail.

Hence the petitioner union gave Ex. W8 representation dated 17-9-96 to Assistant Labour Commissioner (Central) Mancherla to interfere in the matter as the respondent showed discrimination. But the conciliation proceedings ended in failure vide Ex. W11 minutes dated 6-2-97 and failure report dated 7-3-97. Hence the Government of India referred this dispute to this Tribunal pursuant Ex. W14 representation dated 2-7-97 made to the Secretary, Government of India. The petitioner thus contended that as appointment order of R. V. Ramana Rao was reckoned as 31-8-78 though he was appointed under order dated 1-9-78 and joined on 5-9-78 the above two workmen who are senior to Sri Ramana Rao are entitled to parity with him and the action of respondent in preponing the date of appointment of Sri Ramana Rao is not justified. The petitioner thus prayed for passing award in favour of the above two affected workmen.

3. The respondent filed counter contending as follows: It admitted the material allegations in the claim statement as to the date of appointment orders and date of joining of the affected workmen and Ramana Rao, that the date of

appointment order of Ramana Rao was preponed to 31-8-78 vide Ex. W5 that the request of the concerned workmen i.e. WW1 and WW2 to extend the above benefit to them also was rejected and that the conciliation proceedings ended in failure. It justified its action in preponing the date of appointment of Sri Ramana Rao and in giving notional benefit of annual increment from 1-9-79 and monetary benefit from 1-5-90 on the following ground.

According to it the recruitment was supposed to have been completed by 31-8-78 by giving appointment orders to all the selected candidates. But due to some administrative lapse and delay some of the selected candidates including WW1 and WW2 are sent appointment orders on 21-8-78 while others including Ramana Rao were sent order on 1-9-78. Thereafter Singareni Collieries Clerical Association (SICCL) made representation to reckon the date of their appointment orders as 31-8-78 as most of them joined soon after receiving the order. The respondent accepted their request as delay in sending appointment order was the lapse of administration with the result the candidates directed to work at Mandamarri Area could not be given appointment order prior to 31-8-78 while others are given. Hence Ex. M1 settlement dt. 31-10-90 was entered into under Section 18(1) of I.D. Act to rectify the above lapse vide Clause No. 11 and Ex. M2 circular dated 3-11-90 issued for implementation of above settlement. Accordingly the date of appointment of 41 persons working in various units and belonging to same batch of 1971 was reckoned as 31-8-1978 giving them notional benefit of increment with effect from 1-9-79 and monetary benefit from 1-5-90. According to the respondent the said settlement is valid and binding on WW1 and WW2 also as they have not challenged the same till now and as information relating Ramana Rao was received later though he too belongs to 1978 batch, his date of appointment was also preponed to 31-8-78 and given benefit along with others under Ex. W5 separate proceedings dt. 3-2-93. Pursuant to Ex. M1 settlement and it is thus justified in preponing his date of appointment and concerned workmen i.e. WW1 and WW2 are not entitled to pay parity with Ramana Rao as there was no delay in issuing appointment orders to them but they reported to duty late and are directed to work in Coal Chemical Complex while Ramana Rao ordered to work in Mandamarri Area along with 66 others.

It also contended that the subject matter of reference is not an industrial dispute as such reference is bad and further the petitioner being not a recognised or having status of even representative character as could be seen from Ex. M3 list of unions elected, cannot espouse the cause of the two concerned workmen. It also denied that any discrimination is shown as according to the respondent the two workmen cannot compare their case with Ramana Rao as there was delay on their part in joining industry while in the case of Ramana Rao the lapse is on the part of respondent in sending appointment order, though all the three besides some others were selected at one and same test and interview held in 1978.

The respondent thus contended that the concerned workmen are not entitled to benefit sought for as they cannot claim parity with Ramana Rao whose case is governed by Ex. M1 settlement and prayed for rejecting the reference.

4. On the above contentions the following point arises for determination: Whether the respondent is not justified in denying notional benefit of annual increment from 1-9-79 and monetary benefit from 1-5-90 to Eswara Rao and Subba Rao (WW1 and 2) on par with Ramana Rao who joined subsequent to them?

5. The petitioner union examined the concerned workmen Sri Eswara Rao and Subba Rao as WW1 and WW2 respectively and filed Exs. W1 to 14. They spoke to the averments in the claim statement. The respondent on the other hand examined Sri M. V. Sastry, Senior Personnel Officer as MW1 and filed Exs. M1 to 3. He spoke in support of the averments in the counter filed by the respondent management. Both sides further filed written arguments besides adducing oral arguments in support of their respective contentions.

6. POINT:—It is the contention of the petitioner that WW1 and WW2 were appointed as Probationary Clerks Grade II on 21-8-1978 under Ex. W1 and W3 orders while R. V. Ramana Rao under Ex. W2 order dt. 1-9-1978, that WW1 and WW2 joined the duty on 4-9-78 as borne out by

Ex. W6 while Ramana Rao joined on 5-9-1978, that WW1 and WW2 are seniors to Ramana Rao but the respondent preponed the order of appointment of Ramana Rao as 31-8-78 to enable him to earn notional benefit of annual increment from 1-9-1979 and monetary benefit from 1-5-90. But it refused to extend the said benefit to WW1 and WW2 though the same was recommended by Project Manager under Ex. W9 and Superintendent of Mines under Ex. W10. Pursuant to Ex. W7 representation of WW2 and thus the action of management in preponing the date of appointment of Ramana Rao to 31-8-78 though junior to WW1 and WW2 and refusing to extend the benefit to WW1 and WW2 is unjust and hence they may be given said benefit on par with Ramana Rao and the contention of the respondent that as they joined in duty after delay of 13 days from the date of appointment order they are not entitled to said benefit is not correct as it amounts showing discrimination as seniority has to be fixed as per date of reporting to duty.

7. The contention of the respondent on the other hand is that besides WW1, WW2 and Ramana Rao several other persons were selected as Clerks in the year 1978, that while WW1 and WW2 were directed to work in Coal Chemical Complex, Ramana Rao and others are directed to work at Mandamarri, that while appointment order are given on 21-8-78 i.e. persons directed to work at C.C.C. including WW1 and WW2, in respect of others including Ramana Rao who are directed to work at Mandamarri, order was issued on 1-9-78 due to some administrative problem though all of them belong to same batch and hence on the representation given by Clerks Association the management agreed under Ex. M1 settlement to reckon their order of appointment as 1-9-1978 as most of them joined within one or two days, that Ex. M1 circular was issued to implement the said settlement and hence after reviewing the cases of the clerk working in Mandamarri area their date of appointment is preponed to 31-8-1978 as for no fault of them they could not join before 31-8-78 under Ex. W4 and under Ex. W5 in respect of Ramana Rao though joined on 5-9-78, that said benefit could not be extended to WW1 and WW2 as they joined duty leisurely on 4-9-78 though earlier to Ramana Rao whose case stands on different footing along with others covered by Ex. W4 order. Hence WW1 and WW2 were not rightly extended the above benefit as they have to blame themselves for reporting for duty at their leisure. Further the subject matter is not an Industrial Dispute and the petitioner being unrecognised union is not entitled to raise dispute.

7. The undisputed facts leading to this reference briefly are as follows: In the year 1978 the respondent gave notification for filling up post of Probationary Clerks Grade II. It selected about 222 candidates for working in different areas. WW1 Eswara Rao and WW2 Subba Rao were given appointment order Ex. W1 and W3 dt. 21-8-78 directing them to work in Coal Chemical Complex. They reported for duty on 5-9-78 as per Ex. W6 letter of Project Manager, Coal Complex. F. V. Ramana Rao with whom WW1 and WW2 are seeking parity was however given Ex. W2 order on 1-9-78 and he joined on 5-9-78 in Mandamarri area. Thus both his order of appointment and date of joining to subsequent to that of WW1 and WW2 as such he is junior to them. But in respect of 41 probationary clerks appointed in 1978 the date of appointment is preponed to 31-8-1978 from 1-9-1978 as borne out by Ex. W4 proceedings, pursuant to Ex. M1 settlement. The date of appointment of Ramana Rao was also preponed to 31-8-78 subsequently under Ex. W5 order on the ground that he is entitled to said benefit by virtue of Ex. M1 settlement as he was given appointment order on 1-9-78 to work in Mandamarri Area. According to the respondent due to administrative reasons, appointment orders were issued late to clerks directed to work in that area and the said mistake was rectified under Ex. M1 settlement. WW2 gave Ex. W7 representation and WW1 also said to have given representation to extend the above benefit to them also as they are senior to Ramana Rao. The Project Officer as well as Superintendent of Mines under Ex. W9 & W10 recommended for extending the above benefit to WW1 and WW2 pointing out the anomaly in view of Ex. W12 pay fixation statement and Ex. W13 comparative statement of seniority of WW1, WW2 and Ramana Rao. But the Management refused to consider their representation. Hence WW1 approached ALC through the petitioner by giving Ex. W8 representation. Ex. W11 is the minutes of

conciliation proceedings which ended in failure and pursuant to Ex. W14 representation given by the union the dispute is referred. The petitioner union is not challenging or disputing validity of Ex. M1 settlement and preponing the date of order of appointments of 41 persons under Ex. W4 but disputing the same in respect of Ramana Rao whose date of appointment was preponed 2 years late under Ex. W5 proceedings though he joined on 5-9-78 while WW1 and WW2 joined on 4-9-78. All of them are now working as Special Grade Clerks.

8. WW1 and WW2 have deposed that being seniors to Ramana Rao they are also entitled to have their date of appointment preponed as in the case of Ramana Rao who was given notional benefit of annual increment from 1-9-79 and monetary benefit from 1-5-90 by preponing his date of appointment from 1-9-78 to 31-8-78 though he joined on 5-9-78 while they joined on 4-9-78 having been appointed on 21-8-1978.

9. WW1 on the other hand deposed that appointment orders for all the persons selected in the year 1978 have to be given simultaneously but appointment orders are given on 21-8-78 to WW1 and WW2 and other persons directed to work in Coal Chemical Complex on 21-8-78 while due to administrative lapse that the persons who are directed to work in Mandamarri Area including Ramana Rao orders were issued on 1-9-78 that while they have reported to duty within reasonable time including Ramana Rao on 5-9-78. WW1 and WW2 joined leisurely on 4-9-78, that as there was lapse on the part of administration, it agreed to prepone date of appointment of those persons who are directed to work in Mandamarri Area to 31-8-78 as per Ex. M1 settlement which is a valid one and the same was given effect to in respect of most of the concerned workmen under Ex. W4 and for Ramana Rao under Ex. W5 later as there was delay in getting his service particulars and hence there is no comparison between the case of Ramana Rao and WW1 and WW2.

10. Thus it is obvious that Ramana Rao joined on 5-9-78 while WW1 and WW2 joined on 4-9-78. Persons mentioned in Ex. W4 whose date of appointment was preponed to 31-8-1978 as against 1-9-78 appears to have joined prior to 4-9-78 though they were given order on 1-9-78, on which date WW1 and WW2 joined though appointed on 21-8-1978. It is in evidence that after medical examination they (WW1 and WW2) reported to duty and sought for leave after joining but were advised to join later. Hence they joined on 4-9-78. According to the respondent the fault is on their part as they joined duty after lapse of 15 days. But he admitted that no date is specified in Ex. W1 and W3 appointment order that they should report to duty on or before particular date. In the absence of such stipulation it cannot be said that the WW1 and WW2 joined at their leisure. Admittedly they joined on 4-9-1978 while Ramana Rao joined on 5-9-1978. As stated above there is no material on record to show that 41 persons covered by Ex. W4 order, joined subsequent to WW1 and WW2. Hence it can be inferred that they joined earlier to WW1 and WW2. Hence they are admittedly seniors to WW1 and WW2 as per their date of joining. The petitioner hence rightly could not dispute Ex. M1 settlement. They raised the dispute when Ramana Rao was given benefit two year later under Ex. W5 while denying the same to WW1 and WW2. As per Item No. 11 of Ex. M1 agreement details will be obtained from Mandamarri RKP and SRI Area and their appointment will be regularised on par with same batch of clerks appointed in Bellampalli Area which will be notional with monetary benefit from 1-5-1990 and the said agreement has become final though I am unable to understand how the management could prepone date of appointment and even date of joining after the candidates joined on a particular date. In this case persons directed to work at Mandamarri were deemed to have joined on 31-8-78 by preponing their appointment order though they joined much later. I do not want to express any opinion on this aspect as Ex. M1 settlement is not challenged by the petitioner and it is being implemented.

11. I am of the view that WW1 and WW2 who also belong to batch of Ramana Rao are admittedly senior to him both as date of appointment order and joining even after preponement of order and Ramana Rao from 1-9-78 to 31-8-1978 as they were issued order on 21-8-1978 and WW1 and WW2 joined on 4-9-78 while Ramana Rao joined on 5-9-78. Hence

even after change of date of appointment order of Ramana Rao he has to be treated as junior to WW1 and WW2. There is no bar in Ex. M1 settlement for giving benefit to others belonging to same batch. Due to preponing date of appointment order of Ramana Rao he is now getting one more increment and became senior to WW1 and WW2 as he was promoted as Special Grade Clerk on 1-9-93 while WW1 and WW2 are promoted on 1-3-94. Thus the above action of management admittedly adversely affected the career of WW1 and WW2 as Ramana Rao was deemed to have joined on 31-8-78 itself. Though he joined much later i.e. on 5-9-78. I am of the view that there is no merit in the contention of the respondent that as WW1 and WW2 joined 15 days after appointment order was issued the lapse is on their part as such they cannot claim parity with Ramana Rao. As stated above as 41 persons who are given benefit of Ex. M1 settlement under Ex. W4 appears to have joined earlier to WW1 and WW2 they could not raise dispute as they are seniors. But WW1 and WW2 got cause for action to raise dispute when their junior Ramana Rao also given benefit. I am of the view that when no date is specified for joining under Exs. W1 and W3 it is not open for the management to contend that it is lapse on the part of WW1 and WW2 to join on 4-9-1978 i.e. after lapse of 15 days while Ramana Rao who joined on 5-9-78 given benefit of Ex. M1 settlement on the ground that he is one of the persons who was given appointment order belatedly due to lapse on the part of administration.

12. When the management was considerate to accept their mistake and rectify the same on receiving representation from Clerks Association by entering into Ex. M1 settlement. I am of the view that it is not justified in refusing to extend the benefit to WW1 and WW2 on the ground their case is not similar to Ramana Rao. Though the reference reads whether the management is justified in preponing the date of appointment of Ramana Rao to 31-8-78 I do not want to go into that aspect as the benefit said to have been given to Ramana Rao by virtue of Ex. M1 settlement is not challenged by the petitioner in the claim statement but parity sought for. I, however feel that while preponing appointment order of some of the appointees of batch of 1978 to which WW1 and WW2 also belong on the ground of lapse on the part of the management, the respondent is not justified in refusing to extend benefit to WW1 and WW2 in view of the anomaly pointed out by Project Manager and Superintendent who recommended the case of WW1 and WW2 under Exs. W9 and W10 basing on Ex. W13 seniority chart as case of Sri Ramana Rao was treated as if he joined on 31-8-78 itself though appointment order given on 1-9-78 and he joined the duty on 5-9-78. I am of the view that this action of the management lead to anomalies situation pointed out in their letter as Ramana Rao who is admittedly junior to WW1 and WW2 having joined on 5-9-78 is now made senior to them by preponing his date of appointment. I am of the view that Management cannot penalise same batch of employees while admitting the lapse on its part in respect of some employees in issuing appointment orders. I am of the view that though benefit cannot flow to WW1 and WW2 under Ex. M1 settlement which is said to be in respect of employees directed to work in Mandamarri, they are entitled to parity by virtue of seniority as their junior Ramana Rao given notional benefit of annual increment from 1-9-79 and monetary benefit from 1-5-1990 with retrospective benefit. I am unable to agree with the contention of the respondent that there is no similarity in the case of Ramana Rao and WW1 and WW2 and they cannot be compared with each other as admittedly WW1 and WW2 and Ramana Rao belong to same batch of 1978 though directed to work in different areas under different orders of appointment. I am therefore of the view that WW1 and WW2 are entitled to pay parity with Ramana Rao who was admittedly junior to them as per records.

13. Hence having regard to the facts and circumstances of the case, I feel that the management is not justified in refusing to extend the benefit given to Ramana Rao to WW1 and WW2 Eswara Rao and Subba Rao though it cannot be said that it is not justified in changing the date of appointment of Ramana Rao as 31-8-78 by virtue of Ex. M1 settlement entered into under Section 18(1) of I.D. Act.

14. It is however contended that the petitioner is neither recognised union nor has status of representative character as could be seen from Ex. M3 list of recognised union by

virtue of election held in September, 1998 as such it cannot espouse the cause of WW1 and WW2 and further there is no material on record to show that they are the members of petitioner-Union.

15. I am of the view that there is no merit in the contention I am of the view that as petitioner is a registered union though not recognised union it can definitely take up the cause of WW1 and WW2 who are said to be its members on the representation given by Clerks Association the date of appointment of same employees was preponed to 31-8-78 including Ramana Rao junior of WW1 and WW2 much to their prejudice. I, therefore feel that petitioner which is interested in the cause of WW1 and WW2 its members is definitely entitled to raise the dispute. Further this objection was not raised before the Conciliation Officer. Further election to union was held in the respondent company on 9-9-98 while this dispute was raised by the petitioner as early as on 17-9-96 by which time none of the union functioning with the respondent are either recognised unions or having status of representative character. Hence, I negative this contention. I also negative the contention that subject matter of this reference is not Industrial Dispute as there is dispute between the workman and employer with regard to their wages and condition of services, it amounts to Industrial Dispute.

16. I, therefore, conclude having regard to the facts and circumstances of the case, that the respondent is not justified in refusing the benefit of notional benefit of annual increment from 1-9-79 and monetary benefit from 1-5-90 on par with Ramana Rao who was given the said benefit by preponing his date of appointment to 31-8-78 under Ex. W5 order allegedly based on Ex. M1 settlement. The point is hence answered accordingly.

17. In the result the reference is answered by declaring that the respondent showed discrimination in not extending the benefit given to Ramana Rao, to them also with regard to notional benefit of annual increment from 1-9-79 and monetary benefit from 1-5-90. Award is passed accordingly. Directing the respondent to give said benefit to Subba Rao and Eswara Rao also on par with Sri Ramana Rao.

Written and passed by me on this the 30th day of April, 1999.

C. V. RAGHAVAIAH, Industrial Tribunal-I

APPENDIX OF EVIDENCE

Witness Examined for Petitioner:	Witness Examined for Respondent:
WW1 G. Eswara Rao.	MW1 M. V. Sastry.
WW2 D. S. Subba Rao.	

Documents marked for the Petitioner:

- Ex. W1—Appointment order dt. 21-8-78 issued to WW1 appointing him as Probationary Clerk Grade-II.
- Ex. W2—Appointment order dt. 1-9-78 issued to R. V. Ramana Rao.
- Ex. W3—Appointment order dt. 21-8-78 issued to D. S. Subba Rao.
- Ex. W4—Office order dt. 26-8-91 issued to V. Seetharamalah and 40 others regarding the date of joining as 31-8-78.
- Ex. W5—Office order dt. 3-2-93 issued to Sri R. V. Ramana Rao reponing the date of appointment as 31-8-78 to entitle the notional increment w.e.f. 1-9-79 with monetary benefit from 1-5-90.
- Ex. W6—Date of joint duty of WW1 and WW2 and others on 4-9-78.
- Ex. W7—Representation dt. 17-11-95 given by Sri D. S. Subba Rao to the General Manager (Projects) S. C. Co. Ltd., Kothagudem.
- Ex. W8—Representation dt. 17-9-96 made to ALC, Mancherial.

Ex. W9—Letter of Project Manager, Coal Chemical Complex dt. 27-9-96 to the General Manager (Personal) Kothagudem regarding anomaly of basic pay.

Ex. W10—Copy of letter dt. 10-10-96 (without signature) of Supdt., of Mines RK5 Incline addressed to P.M. RKP.

Ex. W11—Xerox copy of minutes of conciliation held on 6-2-97

Ex. W12—Xerox copy of Pay fixation form of R. V. Ramana Rao.

Ex. W13—Comparative statement of basic anomaly in respect of R. V. Ramana Rao with G. Eswara Rao and D. S. Subba Rao.

Ex. W14—Letter dt. 2-9-97 addressed by the General Secretary of the union to the Secretary, Government of India, Ministry of Labour, New Delhi.

Documents marked for the Respondents :

Ex. M1—Settlement dt. 31-10-90 entered between the workman and the management.

Ex. M2—Circular dt. 3-11-90 circulating Ex. M1 to the workers.

Ex. M3—Letter dt. 14-9-98 of the Regional Labour Commissioner to the Chairman and M.D. of Singareni Collieries Company Limited enclosing the list of the unions.

नई दिल्ली, 14 जुलाई, 1999

का.मा. 2253.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार बी.एम.पी.डी.आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-5-99 को प्राप्त हुआ था।

[फाइल सं. एल-22012/282/95-आई.आर. (सी-II)]

बी.एम.ए.एम.पी. राजू, डेस्क अधिकारी

New Delhi, the 14th July, 1999

S.O. 2253.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.M.P.D.I. and their workman, which was received by the Central Government on 25-5-95.

[File No. L-22012/282/95-IR(C-II)]

V. S. A. S. F. RAJU, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL : ORISSA : BHUBANESWAR

Present :

Sri H. Mohapatra, O.S.J.S. (Sr. Branch), Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 27 of 1996
(CENTRAL)

Dated, Bhubaneswar, the 10th day of May, 1999

BETWEEN

The management of Central Mine Planning and Design Institute Ltd., Regional Institute-VII, 4th-7th Floor, Gruha Nirman Bhawan, Sachivalaya Marg, Unit-3, Bhubaneswar (Orissa-751 001).
First Party-management.

AND

Their workman Sri Manoranjan Mohapatra, represented through Rashtriya Colliery Mazdoor Sangha, C/o : C.M.P.D.I. Gruha Nirman Bhawan, Bhubaneswar ... Second party-workman

Appearances :

Md. S. A. Khan, Sr. Personnel Officer—For the First Party management.

Sri R. N. Panda, Secretary of the Mazdoor Sangha.—For the Second Party workman.

AWARD

The Government of India in the Ministry of Labour, in exercise of the powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication vide their Order No. L-22012/282/95-IR (C-II) dtd. 18-7-96 :—

"Whether the action of the management of C.M.P.D.I.R.I.-VII in not regularising in the post of xerox operator to Sh. Mohapatra is justified ? If not, what relief the workman is entitled to ?"

2. The case of the second party workman, briefly stated, is that he was appointed as a Pcon in the scale of pay of Rs. 1027-1349/- w.e.f. 10-5-88. Due to want of a Xerox Operator the management engaged the second party to operate xerox machines/plan printing machines but without paying the wages of a xerox operator in the scale of pay of Rs. 1095/-1623/-. The union alleges that the post of Pcon and Xerox Operator are different for which the second party should have been paid the differential salary. It is further alleged that the second party was directed to operate xerox machine and Plan printing machines by official orders. It is contended that there are three numbers of xerox copiers/plan printers with only one person to operate them and it is impossible to operate three machines by one hand. The management had recommended for the engagement of the second party as a xerox operator and to grant him officiating allowance. The Union alleged that one post of xerox operator is lying vacant since 10-5-88. The workman being a matriculate possessing the requisite qualification besides experience, his non-engagement as a xerox operator is violating of the principles of natural justice. According to the union non-regularisation of the workman in the post of xerox operator is illegal and unjustified and all financial benefits representing the differential salary is

admissible to the second party w.e.f. 10-5-88, the date of his appointment.

3. The first party management has challenged the maintainability of the reference both on facts and in law. It is pleaded that the dispute in question does not constitute an industrial dispute. According to the management the workman was appointed as a Peon in the establishment of the first party and he joined as such w.e.f. 10-5-88. Subsequently he changed his surname from Malia to Mohapatra by way of an affidavit. The workman having approached the concerned officer for operating xerox and plan printing machines he was allowed to do such work in exigencies. There is one Xerox Operator namely, Goura Sansia. The head office at Ranchi is the competent authority for creation of post and for regular absorption of persons. On account of some intermittent engagement of the second party as xerox operator the head office was moved in 1991 for his placement as such but the recommendation was rejected due to non-availability of vacancy. Notwithstanding the rejection, the second party was working as a Peon and was allowed to operate xerox machine and plan printers occasionally and on leave vacancy of Goura Sansia as per specific directions of the management in addition to his duties as Peon. In 1995 the union moved for regular posting of the second party as a xerox operator retrospectively from 1992. On receipt of the complaint the A.L.C. (Central) called upon the management for their views for the purpose of conciliation. The management denied the allegation regarding continuous engagement of the Second party as a xerox operator and requested to drop the proceeding. The conciliation having failed the Govt. of India without considering the relevant facts and contentions made the reference on vague and unrealistic terms. It is contended that the CMPDI-management is a subsidiary of the Coal India Ltd. and the service conditions of the workmen engaged are covered by Wage Agreements namely, National Coal Wage Agreement. There is a joint Bi partite Committee for Coal industries which looks after the grievances, allegations and problems of aggrieved workmen represented through the unions and settles them by formulating policies, Schemes and notifications. In respect of promotion of different workmen the JECCI has formulated a Cadre Scheme which is applicable to the present case. As per the Scheme the pleaded promotion of the second party to the post of xerox operator is misconceived and imaginary.

4. On the aforesaid pleadings of the parties, the following issues have been framed :—

ISSUES

1. Whether the action of the management of C.M.P.D.I. RU. VII in not regularising in the post of xerox operator to Sh. Manoranjan Mohapatra is justified ?
2. To what relief the workman is entitled to?
5. The parties have examined two witnesses each in support of their respective cases. The second party-workman has examined himself as W.W. No. 1.

A Senior Clerk of the organisation is examined on his behalf as W.W. No. 2. The workman in his evidence stated that he changed his surname to Mohapatra by an affidavit after he joined the service. Though he was appointed as a Peon from 10-5-88 he claims to be working as a xerox operator. According to him, there are three xerox machines in the office and other than himself there is another Helper who is designated as O.E. and M.O. Helper to operate such machines. It is admitted in his evidence that he is a matriculate satisfying the eligibility criterion for the post of xerox operator. He has deposed in his evidence in chief that he is served with requisitions to operate xerox machines when there is heavy work. On these premises he has claimed the scale of pay of the xerox operator which is higher than that of a Peon. It is further elicited in his evidence that when there is no work he is required to do the job of a Peon. He has proved a set of orders marked Ext. 2 series in which he was directed to operate xerox machines. The main plank of his case rests on copy of an office note which is marked, Ext. 1 wherein the Personnel Officer on 11-10-91 recommended the case of the second party for being placed as an Operator, xerox machine. It is revealed in the note sheet marked Ext. 1/1 of the Regional Director that the case of Goura Sansia was earlier recommended for promotion to the post of O.E. & M. Operator and in the recommendation dtd. 11-10-91 the case of the second party was forwarded. His work was recorded to be satisfactory.

M.W. No. 1, the Sr. Personnel Officer of the organisation has explained with reference to the correspondence, Ext. E that the request of the Regional Director to place the second party as a xerox operator could not be acceded to due to non-availability of the post. According to M.W. No. 1 as there was heavy pressure of work there was distribution of work between Goura Sansia, O.E. & M.O. Helper examined as M.W. No. 2 and the second party as per Ext. F. It is further revealed in the evidence of M.W. No. 1 that the Head Office was requested to give officiating allowance to the second party as xerox operator. The same was also not heeded to as per the correspondence received from the head office, marked Ext. H. It is elicited in the evidence of M.W. No. 1 that while the second party is conversant in operating xerox machine there is no vacancy in the post of xerox operator. M.W. No. 2 is the O.E. and M.O. Helper working with the first party since 1988. He deposed that there are three xerox machines installed in the office. He further supported his case that he made several representations for promotion to the post of xerox operator. He proved a letter of the Central office to the Regional Director as Ext. L wherein regret was communicated in not giving promotion to him. He has proved his representation addressed to this Tribunal as Ext. M wherein he has made the self-same grievance as the workman. He further stated that the second party is a Peon and his scale of pay is much higher than his. He deposed that he has undergone training in the job and that his performance has all along been found satisfactory. It is elicited in his evidence that when he remains absent the second party does his job. He admitted that the services of the second party are also utilised as a xerox operator when there is pressure of work. He

has denied the plea that he has made an application before this Tribunal with a view to subverting the claim of the second party.

6. Thus, in the instant reference the Tribunal is faced with a claim and a counter claim by two sets of workmen. Both M.W. No. 2 who is already in the line and substantially doing the job of xerox operation is denied promotion as much as the second party for want of vacancy. It is evident in Ext. 1 that the Regional Director of the establishment of the first party had recommended the case of M.W. No. 2 earlier to that of M.W. No. 1 the workman. The evidence is rather consistent that the engagement of the second party as a xerox operator is 'occasional' when there is leave vacancy on account of M.W. No. 2 remaining on leave or when there is a pressure of work. Such occasions do not clothe the second party with a right to claim regularisation in the post of xerox operator, more so when there is a competing claim pending before the management and there exists no vacancy.

7. It is contended on behalf of the management with reference to Ext. 1B) the Cadre Scheme for promotion circulated by JBCCI that the claim of the second party is misconceived and is untenable. Admittedly, the workman has been appointed and is working as a Peon till date which is evident in the documents marked Exts. A, C, E, G, H and J besides Exts. 1, 2, 2/2 and 2/3. In such view of the matter the case of the workman being engaged as a Peon at present does not come within the zone of consideration as per the Cadre Scheme, Ext. B since he has only recently been engaged in Grade-G w.e.f. 1-1-97 as per Ext. J. An employee is required to have matriculation as minimum qualification for promotion to the post of xerox operator-cum-Daftari and is required to have five years experience in Grade-F which is the eligibility criterion for such promotion through D.P.C. The workman who presently is in Grade-G has to be promoted to Grade-F and thereafter complete five years in the said Grade to be eligible for promotion to the post of xerox operator. In such view of the matter the claim of the second party workman for promotion seems premature.

8. On an examination of the oral and documentary evidence it seems clear that the workman has been engaged substantially as a Peon. He is therefore, entitled to the scale of pay and other benefits as attached to the post, M.W. No. 2 admittedly has been a regular xerox operator though he is designated as an O.E. & M.O. Helper. Admittedly, the bulk of the job of xerox operation is done by M.W. No. 2 and therefore, the claim of the second party who does the job of operating xerox machine on leave vacancy or other exigencies for regularisation as xerox operator and paying him additional pay and benefits seems far-fetched and unreasonable. The creation and abolition of a post is the prerogative of the management meaning the competent authority. The headquarters of the CMPDI at Ranchi is the competent authority in such matters like creation and abolition of posts or regularisation or categorisation. The competent authority having declined the request for the workman, so also for M.W. No. 2 for reasons recorded the

instant reference does not merit an affirmative answer, more particularly in the absence of vacancy in the post. The question relating to the justification of the R.I.-VII management in not regularising the services of Sri Mohapatra (workman) as xerox operator seems misconceived and far-fetched and is to be answered in favour of the management.

9. It may further be worthwhile to note that Industrial adjudicators are to pass awards as per the requirement of justice in order to maintain industrial peace and harmony. In the instant case if the reference is answered in favour of one workman it would not only cause injustice, it would create apparent discord between the two sets of workmen vying for the same post. Such a step would negate the specific reasons ascribed by the competent authority in matters of manpower planning and proper utilisation of the existing staff and workmen in the industry at large. In this connection, reliance is placed on a decision of the Supreme Court in Workmen of M/s. Williamson Magor & Co. Ltd. Vrs. M/s. Williamson Magor and Co. Ltd. & another, reported in AIR 1982 SC 78.

10. The management questions the maintainability of the reference in law as well as on facts and imputed non-application of mind by the appropriate Government while making the reference. The issue in the reference, seems to be based on a complaint of the Union. The copy of the complaint of the union is marked Ext. A wherein it is alleged that though the workman concerned is all along engaged to work in the O.E. & M.O. and plan printing machines as operator he is not given any monetary benefit. There was hardly any question of regularisation raised in the complaint marked Ext. A and if there be any it was in the remotest form. It is contended on behalf of the management that Section 10 of the Industrial Disputes Act authorises a reference to be made by the appropriate Govt. of an industrial dispute for adjudication where such a dispute is in existence or is apprehended. It is contended on behalf of the management that while making a reference on the claim of the union in the matter of regularisation of the workman, who was working as a Peon, in the post of Xerox Operator it was incumbent on the appropriate Government to examine the documents. Had there be a perusal of the documents it would have revealed that the engagement of the second party as xerox operator was casual, intermittent and on leave vacancy and on such other exigencies. On these premises it is hinted by the management that the reference is misconceived.

11. Having in view the materials already discussed with reference to the issue which is the subject matter of reference, I am inclined to hold that it is not a fit case for reference in view of the casual nature of engagement of the second party.

The reference is thus answered accordingly.

H. MOHAPATRA, Presiding Officer

नई दिल्ली, 15 जुलाई, 1999

का.आ. 2254—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्ड्यू.सी.एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुंबई-1 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-99 को प्राप्त हुआ था।

[सं. एल-22012/117/97-आई.आर. (सी.-II)]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 15th July, 1999

S.O. 2254.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W.C.L. and their workmen, which was received by the Central Government on 13-7-99.

[No. L-22012/147/97-IR(C-II)]

V. S. A. S. P. RAJU, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice C. V. Goverdhan, Presiding Officer.

Reference No. CGIT-30 of 1998

PARTIES :

Employers in relation to the management of WC Ltd., Chandrapur.

AND

Their workman Shri Shantaram Vithal Bhogade.

APPEARANCES :

For the Management.—Shri B. N. Prasad, Advocate.

For the Workman.—No appearance.

STATE : Maharashtra.

Mumbai, the 22nd June, 1999

AWARD

The Central Government has referred the following dispute by its order dated 23/30-7-1998 for adjudication by this Tribunal :

“Whether the action of the management of Sub-Area Manager, WCL, New Majri U/G Area, P.O. Shivjinagar, District Chandrapur in dismissing Sh. Shantaram Vithal Bhogade, Loader is legal and justified

and whether such extreme punishment is proportionate in the gravity of the alleged unauthorised absence. If not, to what relief, the workman is entitled and from which date? What other directions are necessary in the matter?”

Both the sides have filed their respective statement of claim and written statement. Thereafter no progress have made in the hearing on this matter. The workman or his representative never appeared before this Tribunal. Today also the workman or his representative failed to appear inspite of notice dated 26-4-1999. I am therefore of opinion that neither the workman nor his representative is interested in prosecuting this dispute and therefore the matter is to be dismissed for default.

In the result, an Award is passed dismissing the reference for default.

C. V. GOVERDHAN, Presiding Officer.

नई दिल्ली, 15 जुलाई, 1999

का.आ. 2255—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ.सी.आई. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुंबई-2 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-99 को प्राप्त हुआ था।

[सं. एल-12012/364/97-आई.आर. (सी.-II)]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 15th July, 1999

S.O. 2255.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai-2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on the 13-7-99.

[No. L-22012/364/97-IR(C-II)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Fanse, Presiding Officer.

Reference No. CGIT-2/100 of 1998

Employers in relation to the management of F.C.I. Mumbai

And

Their workmen.

APPEARANCES :

For the Employer—Mr. B. M. Masurkar, Advocate.

For the workmen—Mr. M.B. Anchan, Advocate.

Mumbai, the 11th June, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/364/97/IR(C-II), dated 28/31-7-98 had referred to the following Industrial Dispute for adjudication.

"Whether Notice u/s. 9A of the Industrial Disputes Act, 1947 served by the management of Food Corpn. of India, Mumbai in respect of change in the service conditions of the staff is justified? If not, what directions are necessary in the matter?"

2. Certain facts in this reference are not in dispute. In the Food Corporation of India, Mumbai, there are two administrative heads (i) Zonal Manager (West) Head of Zonal Office situated at Mumbai (ii) Senior Regional Manager (Maharashtra) Head of Zonal Office and other establishment in all other Maharashtra Region.

3. The employees of Food Corporation of India working in Maharashtra were paid overtime allowance at double the ordinary rate to which the employees were entitled as per the Bombay Shops and Establishments Act of 1965. On 28-3-95 the Government of Maharashtra issued a notification exempting F.C.I. from the provisions of the Bombay Shops and Establishments Act of 1975 by which there was no obligation for F.C.I. to pay the overtime which he was doing. The F.C.I. wanted to introduce its own overtime allowance rules and accordingly instructions were issued on 2-4-85.

4. The Transport and Dock workers union challenged the action of the management in writ petition before the High Court of Bombay. Their Lordships came to the conclusion that the Government of Maharashtra is competent to grant exemption but the Corporation cannot stop overtime payment under the provisions of the Bombay Shops and Establishments Act, 1965 without giving notice under section 9A of the Industrial Disputes Act. The F.C.I. challenged the said judgment by filing Special Leave Petition in the Supreme Court. It came to be dismissed.

5. The Transport and Dock workers union also filed a special leave petition in the Supreme court contending that Government of Maharashtra is not competent to grant exemptions from the provisions of Shops and Establishments Act to the Food Corporation of India which is held by the High Court of Bombay. The Supreme Court by its order dated 22nd August, 1996 upheld the order passed by the High Court of Bombay. The stay, which was granted was vacated. In view of the vacating of the stay the F.C.I. issued two notices purported to be issued under section 9A of the Industrial Disputes Act. On 29-4-98 the Government of Maharashtra abrogated the exemption granted to F.C.I. from all the Bombay Shops and Establishments Act. As a result F.C.I. was again brought within the provisions of Bombay Shops and Establishments Act and started paying OTA as per the Shops and Establishments Act w.e.f. 29-4-98.

6. The Union in the Statement of Claim (Ex-5) contended that the notice issued by Zonal Manager and Regional Manager dated 26-2-97 and 19-2-97 respectively are not in compliance with section 9(A)

of the Industrial Disputes Act of 1947. On its basis the management reduced the overtime of the employees. It is averred that the procedure laid down in that section is not followed and if it is effected the employees will suffered irrecoverable loss.

7. The union therefore prayed that it may be declared that the notices are illegal and these employees are entitled to get overtime as if these notices were not issued.

8. The management resisted the claim by the Written Statement (Exhibit-6). It is averred that since there was some typographical error in the notice dated 26-2-97 a corrigendum was issued. The employees were aware of the position from which date the change was to take place. Therefore, it cannot be said that there is illegality in the said notice. So far as the second notice is concerned it is averred that it was issued in Form (E) and again a corrigendum was issued. The said notice is proper and under such circumstances the claim which is raised by the union is to be rejected.

9. The union filed a Rejoinder at Exhibit-8 and reiterated the contention which they have taken. It is averred that clear 21 days notice for effecting change is to be given to the concerned employees which is not given in the matter. Under such circumstances the bank did not follow the procedure laid down under the Act. Therefore, they are entitled to the reliefs as they claimed.

10. The issues are framed at Exhibit-9. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether the notice under section 9A of the Industrial Disputes Act, 1947 served by the Management of Food Corporation of India, Mumbai in respect of change in service conditions of the staff is justified?	No.
2. If not, to what directions are necessary in the matter?	As per order.

REASONS

11. The union filed a purshis (Ex-11) and management (Ex-12) informing the Tribunal that they do not want to lead any oral evidence.

12. Section 9A of the Industrial Disputes Act if 1947 states that "No employer who proposed to effect any change in the conditions of service applicable to any workmen in respect of any matter specified in the Fourth Schedule, shall effect such a change—

- without giving to the workman likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to the effected; or
- within twenty one days of giving such notice."

13. In writ petition No. 1814 of 1985 which was filed by Transport and Dock workers union against

the management (Ex-6[8]) Their Lordships in paragraph 13 in categorical term had stated that for effecting a change in respect of the overtime the management is required to issue notices under section 9A of the Industrial Disputes Act following the procedure laid down therein.

14. From reading of the section 9A which I have quoted above and from the observations of their Lordships it is crystal clear that while effecting a change the management should have followed the procedure laid down in the said section and under the rule 33 of the Act. A notice is to be issued in Form 'E'. Now, it is to be seen whether the management had complied with the procedure contemplated therein. The answer is 'No'.

15. Exhibit-A of Exhibit-5 is a notice dated 26-2-1997 issued by the Zonal Manager. It is mentioned that the change will be effective from 26-3-77. Obviously this date is incorrect. When it came to the notice of the management it issued a corrigendum dated 16-4-97 (Exhibit-D), which states that the date 26-3-77 in the notice dated 26-2-97 is to be read as 26-3-97. Obviously 21 days clear notice was not given to the employees, to whom the change was to be effected. It is not in compliance with the section. The argument that it is typographical mistake that the change could not take place retrospectively, that the litigation was pending between this period cannot be said to be a proper explanation. There was no reason for the management for not giving clear 21 days notice after 16-4-97. I, therefore, find that the notice is not in compliance with the section and no change can take place on its basis.

16. The Regional Manager issued notices dated 19-2-97 (Ex-B) to the Statement of Claim. The change was to take place w.e.f. 19-3-97. It can be seen that this notice is not as per Form 'E'. It is therefore on 5-9-97 notice under Form 'E' (Exhibit-E) was issued. There was a mistake in the date. Therefore corrigendum dated 24-9-97 was issued stating that the effect will be effected from 30-9-97 and not from 9-9-97. Again clear 21 days notice as required to be given which is not given. I therefore, find that both the notices are defective and no action can be taken on its basis. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

The notice issued by the management purported to be under section 9A of the Industrial Disputes Act of 1947 are not legal.

The management is directed to pay the overtime to the eligible employees as was given to them as the rate prior to the notice deducting the overtime already paid for the period which was not given to them.

S. B. PANSE, Presiding Officer

नई दिल्ली, 15 जुलाई, 1999

का.आ. 2256—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण मुंबई स. 2 के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-7-99 को प्राप्त हुआ था।

[सं.एल-22012/458/96-आर्द.आर. (सी-II)]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 15th July, 1999

S.O. 2256.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 13-7-1999.

[No. L-22012/458/96-JR(C-II)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/34 of 1997

Employers in relation to the management of F.C.I., MUMBAI

AND

Their Workmen

APPEARANCES:

For the Employer—Mr. B. M. Masurkar, Advocate.

For the Workmen—Mr. M. B. Anchan, Advocate.

Mumbai, dated 16th June, 1999

AWARD-PART-II

On 28th December '98 by Part-I Award I came to the conclusion that the inquiry which was held against the workman was against the Principles of Natural Justice that the findings of the disciplinary authority are perverse and that the management is allowed to lead evidence to justify its action.

2. That was a case wherein the workman Mr. S. M. Sawant was chargesheeted for defrauding the organisation and acting in a manner unbecoming of a Corporation employee and there by violated regulations 31, 32 & 32A of the Food Corporation of India (Staff) Regulations 1971.

3. Now the issues that fall for my consideration and my findings there on are as follows :

Issues	Findings
4. Whether the action of the management of FCI in imposing the penalty of recovery of one years basic pay in 36 instalments from the worker for alleged shortage of wheat stock is legal and justified?	No.
5. If not, to what relief is the workmen entitled?	As per order.

REASONS

4. After Part I Award the management took adjournment for leading evidence. But ultimately on 15-4-99 they passed a prushis (Ex. 30) that they do not want to lead any oral evidence in the matter. On the same date they produced photo copies of stock wise register (Ex-32|1), storage lost statement (Ex-32|2) and daily register (Ex-32|3). They also filed an application (Exhibit-31) cum notes of argument stating that the penalty which was imposed on the workman in view of the charges proved is legal and proper.

5. The workman filed his say at (Exhibit-33) denying all the allegations and prayed that the management may be directed for refund the amount of Rs. 38,791.05ps which was recovered from him as penalty. The union also filed a prushis (Exhibit-34) stating that they do not want to lead any oral evidence in the matter.

6. The management was given an opportunity to lead evidence to justify its action. Except producing the photo copies at Exhibit-32 they had not lead any oral evidence not they have proved these documents which are produced on the record. I may repeat it against that by part I Award I have come to the conclusion that the findings of the disciplinary authority are perverse. In other words while coming to that conclusion I have discussed the evidence which was before the disciplinary authority. Now it is necessary for the management is lead evidence to justify its action which is not done in the present matter.

7. Neeta Kaplish Vs. Presiding Officer 1991 I CLR 219. Their Lordships of Supreme Court held that the domestic inquiry having been held to be not fair and proper, the evidence in the domestic inquiry cannot be said to be material on record and the appellant was entitled to be granted relief. Relying on the ratio given in the said authority I find that there is no record before me by which it can be send that the action which is taken by the management is justified. In the result the workman is entitled to refund of all the amount which is recovered by the management. In the result I record my findings on the points accordingly and pass the following order:—

ORDER

The action of the management of FCI in imposing the penalty for recovery of one year

Basic Pay in 36 instalments from Sh. S. M. Sawant. AG-I(D) in the FCI District Office, Borivli, Bombay, for alleged shortage of wheat stock is not legal and not justified. The management is directed to refund the amount to Sawant which is already recovered from him on the basis of the above said order.

S. B. PANSE, Presiding Officer

नई दिल्ली, 14 जुलाई, 1999

का.आ. 2257—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन रैयर अर्थ लि. के प्रबंधन के संबंध नयोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-7-99 को प्राप्त हुआ था।

[सं. एल-29012/149/98-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 14th July, 1999

S.O. 2257.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure in the industrial dispute between the employers in relation to the management of Indian Rare Earths Ltd., and their workman, which was received by the Central Government on the 14-7-1999.

[No. L-29012/149/98-IR(Misc)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI.

Manday, the 1st day of March, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc. B.L.
Industrial Tribunal.

Industrial Dispute No. 4 of 1999

(In the matter of the dispute for adjudication under section 19(1)(d) of the Industrial Dispute Act, 1947 between the workmen and the management of Indian Rare Earths Ltd., Manavalakurichi-629252).

BETWEEN

The Workmen :

The General Secretary,

Indian Rare Earths Ltd. Technical Employees Assn.

Manavalakurichi-629252,

AND

The General Manager,
Indian Rare Earths Ltd.
Manavalakurichi-629252.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated 5th July, 1999

REFERENCE :

Order No. L-29012/149/98-IR(M) Ministry
of Labour, New Delhi, Govt. of India,
dated 21-12-98.

This dispute coming on this day final disposal upon
perusing the reference and other connected papers on
record and the workmen being absent, this Tribunal
passed the following :

AWARD

This reference has been made for adjudication of
the following issue :

"Whether the action of the management of
Indian Rare Earths Ltd. Manavalakurichi in
awarding punishment of seven days suspension
to S/Shri S. Kumaresan and B. Sashi
Kumar is justified ? If not, to what relief
the workmen are entitled to ?

Respondent represented. Petn. served. Petitioner
called absent.

Petitioner called absent.

Dismissed for default.

Dated, this 1st day of March, 1999.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 14 जलाई, 1999

का.प्र. 2258--औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अन्तर्गत्त में, केन्द्रीय
सरकार स्टेट बैंक आफ इंडिया हुबली के प्रबंधन के
संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्तर्गत्त में
निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक
अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो
केन्द्रीय सरकार को 14-07-99 को प्राप्त हुआ था।

[म. एन-12012/128/91-आई.आर. (बी-III)/बी-I]

सनातन, डेस्क अधिकारी

New Delhi, the 14th July, 1999

S.O. 2258.—In pursuance of Section 17 of the
Industrial Dispute Act, 1947 (14 of 1947), the
Central Government hereby publishes the award of
the Central Government Industrial Tribunal, Bangalore
as shown in the Annexure in the Industrial Dispute
between the employers in relation to the management
of State Bank of India, Hubli and their workman,
which was received by the Central Government on
14-7-1999.

[No. L-12012/128/91-IR(B11111B. I)]

SANATAN, Desk Officer

PRESENT :

Justice R. Ramakrishna, Presiding Officer.
C. R. No: 42/91

I PARTY :

Shri Govindaraju N. Uppinkudre,
Since deceased represented by his LR.

1. Smt. Laxmidevi, Uppinkudre
W/o Late Govindaraju.
2. Kum. Surekha Uppinkudre daughter
3. Kum. Suvarna Uppinkudre Daughter
4. Sri Raghavendra Uppinkudre, Son
5. Sri Vinayaka Uppinkudre, Son
6. Sri Maruthi Uppinkudre, Son

Residing at Bheemanaguddes,
Post Neelekani, Sirsi,
Uttara Kannada District.

II PARTY :

The Deputy General Manager,
State Bank of India,
Zonal Office,
P. B. No. 28,
Hubli-580020.

AWARD

1. The Central Government by exercising the
powers conferred by clause (d) of Sub-Section (1)
and Sub-Section 2A of Section 10 of the Industrial
Disputes Act, 1947 has referred this dispute vide their
Order No. L-12012/128/91-IR. B-III dt. 26-6-91 for
adjudication on the following schedule.

SCHEDULE

"Whether the management of State Bank of
India is justified in dismissing Sri Govinda-
raju Naggappa Uppinkudre from service
w.e.f. 17-9-86 If not to what relief he is
entitled to ?"

2. The workman who raised this dispute died
during its pendency. On the application of the legal
representatives they are allowed to continue the dis-
pute on behalf of the deceased workman.

3. The case is posted today to file amended claim
statement and record evidence on the validity of do-
mestic enquiry.

4. The Learned advocate for the II Party filed a
memo enclosing certified copy of a decree in O.S.
33/83 held in the Lok Adalat in the Court of the
Civil Judge, Sirsi. On para 3 of the decree one of the
condition accepted by the Legal representative of the
workman is to withdraw this dispute in view of the
compromise they entered before the Lok Adalat.

5. This was brought to the notice of the representative for the I Party Sri M. Ramarao. The said representative accepted this fact and requested the Tribunal to pass necessary Award.

6. In view of this position, there is no necessity to give a finding on its merits. Since both parties have agreed that no further proceedings is necessary in the said decree, the following Order is passed.

This reference is rejected in view of the condition laid down at Para 3 of the decree in O. S. 33/83 on the file of Civil Judge, Sirsi, North Canara.

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 15 जुलाई, 1999

का.आ. 2259.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ए.एन.जेड. ग्रिन्डलेस बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-07-99 को प्राप्त हुआ था।

[सं. एल-12012/212/92-आई.आर. (बी-1)]

सनातन, डेस्क अधिकारी

New Delhi, the 15th July, 1999

S.O. 2259.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ANZ Grindlays Bank and their workman, which was received by the Central Government on 15-07-1999.

[No. L-12012/212/92-IR(B-I)]

SANATAN, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 5 of 1993

PARTIES:

Employers in relation to the management of ANZ Grindlays Bank.

AND

Their workmen

PRESENT:

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE:

On behalf of Management : Mr. G. C. Chakraborty, Advocate

On behalf of Workmen : Mr. A. K. Banerjee, President of the Union.

State West Bengal.

Industry : Banking.

AWARD

By Order No. L. 12012/212/92-IR(B.I.) dated 28-12-92 and Corrigendum of even number dated 28-1-1993 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of ANZ Grindlays Bank in refusing rectification of date of birth of Shri P. N. Dhar on the basis of his School Final Examination Certificate is justified? If not, to what relief(s) the workman is entitled to?"

2. Instant reference has arisen at the instance of Grindlays Bank Employees' Association (in short the union).

3. When the matter is called for hearing today, the representative of the union submitted in presence of the learned Advocate for the management that the union is not interested to proceed with the matter any further. He filed an application praying for disposal of the matter treating the dispute as withdrawn. Let the application be kept with the record.

4. No evidence was adduced by either of the parties. So in the absence of any evidence for any decision in respect of the schedule under reference, this Tribunal has no other alternative but to dispose of the matter by passing a "No Dispute" Award.

5. A "No Dispute" Award is accordingly passed and the reference is thus disposed of.

This is my Award.

Dated, Calcutta,

The 7th July, 1999.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 16 जुलाई, 1999

का.आ. 2260.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसेर्स सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-07-99 को प्राप्त हुआ था।

[सं. एल-20012/148/95-आई.आर. (सी-1)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 16th July, 1999

S.O. 2260.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No.-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C.C. Ltd., and their workman, which was received by the Central Government on 15-7-99.

[No. L-20012/148/95-IR(C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT:

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 91 of 1996

PARTIES:

Employers in relation to the management of N. K. Dakra Area of M/s. C.C.L. and their workmen.

APPEARANCES:

On behalf of the workmen—None.

On behalf of the employers—None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 24th May, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/148/95-I.R. (Coal-I); dated, the 3rd September, 1996.

SCHEDULE

"Whether the action of the management of N. K. Area of M/s. C.C.L. in disallowing the duty of Sri Akla Ganju and not taking him back in the employment was proper and justified? If not, to what relief is the concerned workman or his dependant is entitled?"

2. In this reference none of the parties appeared before this Tribunal nor took any steps inspite of the issuance of notices to them again and again leading to an inference of non-existence of any industrial dispute between the parties. The reference is pending since later part of 1996 and it is of no use to drag the same year after year for taking steps by the parties. Under such circumstances a 'No dispute' Award is being rendered and the reference is disposed of on 'No dispute' Award basis on presumption of non-existence of any industrial dispute between the parties.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 16 जुलाई, 1999

का.आ. 2261.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एयर इंडिया लिमि. प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

सं. 1, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-99 को प्राप्त हुआ था।

[स. एल-11012/5/92-आई.आर. (मिसिल) (सी-1)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 16th July, 1999

S.O. 2261.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No.-1, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman, which was received by the Central Government on 15-7-99.

[No. L-11012/5/92-IR(Misc.) (C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI
PRESENT:

Shri Justice C. V. Govardhan, Presiding Officer.

Reference No. CGIT-45 of 1995.

PARTIES:

Employers in relation to the management of Air India Limited.

AND

Their Workman

APPEARANCES:

For the Management—Shri Swamy, Advocate.

For the Workman—Shri Mokashi, Advocate.

STATE : Maharashtra:

Mumbai, dated the 12th day of January, 1999

AWARD PART-I

1. The Central Government by its order dated 26-10-95 has referred the following dispute between the management of Air India Ltd. and its employee Shri B. B. Tupsundare, for adjudication by this Tribunal.

"Whether the action of the management of erstwhile Air India now Air India Limited in reducing the basic pay of Shri B. B. Tupsundare, Driver from Rs. 450 to Rs. 320 (pre-revised scale) is legal and justified? If not, to what relief the workman is entitled to?"

2. The second party workman in his claim statement contends as follows :

The second party was employed as a Driver in the Ground Deptt. of the first party since 1978. On 8th April, 1987 he was placed under suspension by the first party alleging that on 12th March, 1987 when he

reported for duties in the first shift he was not wearing uniform. That he refused to comply with the instruction given by one Mr. Jagmohan Singh, Superintendent (Transport) to wear uniform. That the Superintendent by his letter 17-3-87 and 02-4-87 advised the workman to wear uniforms while on duty and despite that the workman did not comply with the said instruction. It was also alleged that the workman was keeping the punch card with him since 17th March, 1987. It was also alleged that on 12-3-1987, he was assigned to entry 'B' Patti to Kurla, starting from PPO at 0645 hours and instead of carrying out the allocation assigned to him he reported back to his office at 0655 hours and informed Mr. Pereira, Transport Officer that he would not carry out the allocation as the vehicle MNP-881 was having the following snags : (1) tire pressure to be checked and (2) driver's seat not properly fitted. It is the case of the first party that there was no defect in the vehicle as alleged by the workman and the work allocated to the workman was subsequently done by Mr. Fernandes with the said vehicle without any rectification. According to the management, there has been misconduct on the part of the employee and therefore, he was charged with willful disobedience of the lawful and reasonable orders of the superiors, breach of rules of the establishment and commission of acts subversive of discipline. The workman was asked to give his explanation. He gave an explanation stating that the charge sheet issued to him was a colourable exercise of powers and denied the allegations in the charge sheet. At no point of time the management had ever shown that the workman was driving the vehicle without putting on uniform supplied to him. Regulation 50 is being misinterpreted. He also pointed out that the doubt which he expressed about tyre pressure and the adjustment of the seat in the vehicle has been taken to be disobedience. An enquiry committee was constituted and the enquiry commenced on 12th September 1987. The workman had asked for a book known as "Snag Book". It was not produced. The first party has not examined Mr. Fernandes who was ultimately allocated the duties of the workmen for driving the vehicle, inspite of the fact that the workman had asked for examining the said Mr. Fernandes. The workman requested the enquiry committee to have a spot investigation to see that very many persons come without uniform to the office and after reporting put on their uniform and do their work. The Ground service department operators are never found in the uniforms. One Mr. Waghela who was initially allocated the vehicle MMP-881, refused to ply the same due to some snag on 12-3-1987. The Dy. Director by his order dated 27-3-88 ordered the workman to draw basic pay of Rs. 320 w.e.f. 1st April 1988. It was ordered that his normal increment of 1989 will be considered subject to attendance, conduct and performance being satisfactory. No period was mentioned. The workman on receipt of the said order of punishment preferred an appeal to the Managing Director of the first party. Without giving any hearing to the workman, the Managing Director rejected the appeal. The entire proceedings was with a bias attitude with pre-determination to inflict punishment on the workman. The enquiry was not fair and proper and the appellate authority acted in a most biased manner as the workman was an active member of the Union

known as "Air India Employee's Guild". It was an act on the part of the authorities to pressurise the workman in order to keep him away from union activities. The order does not mention any period hence the workman is entitled to an order holding that action of the management is bad and declare the order passed by the department as illegal, inoperative and void ab initio and to fix his pay without any reduction.

3. The management in their written statement contends as follows : There is no community of interest as contemplated under the Act. The reference is therefore not maintainable in as much as the same is not an "Industrial Dispute" as defined under the Act. On 18 occasions, disciplinary action was taken against the workman. He is in the habit of refusing to obey the lawful and reasonable instruction of his superiors. The charge sheet has been issued in pursuant to the misconduct committed by the workman. The reply of the workman was not found satisfactory and therefore an enquiry was ordered. The enquiry committee informed the workman that as per the information received from the Transport movement office, the snag book could not be located and thereafter the workman did not insist upon the production of the same. The management witness has confirmed that the Time office officials have clarified that the punching card was available and therefore in the opinion of the enquiry committee it was not necessary to call for the report in the Time office. It is denied that no misconduct has been committed by the workman by driving the vehicle without putting the uniform. It amounts to breach of rules and also act subversive of discipline. The workman cannot decide as to who should be the witness of the management, if in the opinion of the workman, Mr. Fernandes was a relevant and material witness. The workman could have brought Mr. Fernandes as his witness. Mr. Waghela never entered the concerned vehicle and therefore was not aware of the snags in the vehicle. In the order of punishment it is mentioned that the normal increment will be considered subject to attendance, conduct and performance of the workman concerned being satisfactory. The workman cannot have any grievances on the same. The increment pertains to the year 1989 and there was no reason to mention any period separately. After considering the material on record of the workman the Managing Director was of the opinion that the Competent Authority should have awarded severe punishment to the workman and therefore no personal hearing was given to the workman. The Competent Authority as well as the Appellate Authority considered the material on record before agreeing with the finding of the enquiry committee. It is denied that the workman is victimised for his trade union activities. If the Tribunal comes to the conclusion that the findings are perverse an opportunity may be granted to the management to prove the charges before the Tribunal. The workman is not entitled to any relief. The reference may be rejected.

4. The workman has also filed a rejoinder. The following preliminary issue was framed by my predecessor.

"Whether the dispute in question referred to this tribunal is an industrial dispute and

hence can be adjudicated by that Tribunal?"

The point for consideration is whether the enquiry against the workman is fair and proper and whether the finding of the enquiry officer is perverse?

Preliminary Issue dated 27-12-96 : The second party workman has been given a punishment in reduction of the basic pay from Rs. 450 to Rs. 320 (Pre-revised scale) by the first party management and the question whether it is legal and justified in the subject matter of this reference. The first party management in their written statement has contended that the reference is not an industrial dispute as contemplated under the provisions of the Industrial Disputes Act, 1947. Industrial Dispute is defined as follows :

"Industrial dispute" means any dispute or difference between employer and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;"

The management has taken the stand since that is not a case of non-employment of the worker and they have alleged in the written statement that there is no community of interest as contemplated under the Act.

5. The learned counsel appearing for the worker has argued that this allegation in the written statement is very vague and they have failed to state what is community of interest. No doubt, it is an individual dispute of the workman and his employer with regard to the reduction of the basic pay of the worker and it is not a case of non-employment of the worker. In ascertaining whether an individual dispute has enquired the character of an industrial dispute the test is whether on the date of the reference the dispute was taken up as supported by the union of the workman of the employer against whom the dispute is raised by an industrial workman or by an appreciable number of workmen. The dispute is one raised by the individual second party against his employer. We have to see whether on the date of the reference this dispute was taken up as supported by the union of the workman of the employer in order to find out whether it is an industrial dispute or not? The worker has examined one witness on his behalf to show that the union has taken up his dispute. One Mr. A. V. Patankar, an ex-employee of the first party has filed an affidavit stating that there have been many workers like Mr. Tupsundare and the persons in the management were very much against not only Mr. Tupsundare but also all the activists of the Union led by Shri. Kulkarni presumably because the management did not like the said union which was always taking up the various causes of the workers and making it inconvenient to the management. He has further stated that the cause of Mr. Tupsundare was taken up with the Labour Officer for ventilating the grievances and there was a community of interest in the matter of Mr. Tupsundare with a view to see that the workers who

are activists of the trade union are made scape goats. He has reiterated the same by saying that so far as the present reference is concerned there is a community of interest as stated herein before, while justice is due to Mr. Tupsundare since it has been denied so far. During cross-examination, he has stated that Mr. Tupsundare has not signed any charter of demand but he has also stated that Mr. Chopdekar appeared before the Conciliation Officer for expounding the causes of Mr. Tupsundare and that he was aware that a decision was taken by Executive Committee in writing that Mr. Chopdekar and himself will appear in the conciliation proceedings in the case of Mr. Tupsundare. According to this witness Mr. Tupsundare was an elected member of the managing committee of the union but he does not remember the year in which was elected. Apart from this evidence of Mr. Patankar, which shows that the union has taken up the cause of the worker during conciliation before the conciliation officer. The report of the Assistant Labour Commissioner (C-III) to the Government also show that the cause of the worker was taken up for conciliation by the union and the conciliation has failed. It is specifically stated by the A.L.C. in his letter dated 27th December, 1992 as follows :

"This is an industrial dispute raised by the Joint Secretary, Ad hoc Managing Committee, Air India Employees Guild vide representation dated 27-12-90 against the management of Air India alleging the illegal punishment of Mr. Tupsundare".

This documentary evidence also show that the cause of the workman was taken up by the union in which the worker is said to be an elected member of the managing committee once. As per the decision of the Supreme Court reported in 1961 Supreme Court 436 between Bombay union of Journalists and others and The "Hindu" Bombay and another it was held that if at the date of reference an individual dispute was taken up as supported by the union or appreciable number of workmen of the employer the individual dispute is raised by an individual workman, the individual dispute assumed the character of industrial dispute. Therefore, I am of opinion that in the present case even though the dispute between the worker and the management is an individual dispute it has acquired character of industrial dispute on account of the fact that the union has taken up the cause of the workman and therefore, the objection with regard to the maintainability of this reference made by the management in their written statement is without merits. The preliminary issue is therefore, answered in the affirmative and thus, it can be adjudicated by this tribunal.

The Point :

The learned counsel appearing for the worker has argued that the enquiry conducted by the enquiry committee is not fair and proper and the finding given by the enquiry committee is also perverse on all the three charges. The learned counsel would draw the attention of this tribunal to the recording of the proceedings by the enquiry committee which shows that the committee has recorded that the charge sheet issued to the worker was read over to the management

witnesses and they were apprised of the purpose of being called before the committee. According to the learned counsel the conduct of the enquiry committee in apprising the purpose of the witnesses being called before it has caused prejudice to the workman. I wish to observe that appraisal does not mean tutoring. The witnesses were informed the purpose of their being called before the committee and that has been recorded as appraisal or being called by the enquiry committee. Further, it is not as if the enquiry committee has recorded the appraisal made by them to the management witnesses alone and to whom they were called before the committee. Even before the examination of the defence witness Mr. Wagner, the enquiry committee has recorded that the charge sheet to the charge sheeted employee was read over and Mr. Wagner was apprised of his presence before the enquiry committee. Therefore, it cannot be stated that the enquiry committee has committed an error which vitiates the enquiry when it has apprised the purpose for which witnesses were required to be present before the enquiry committee.

6. The learned counsel appearing for the employee has also argued that the enquiry committee has put questions to the management witnesses and elicited answers from them and it amounts to filling up the lacunae in the evidence of the management witnesses and it has also caused prejudice to the worker and on that ground also the enquiry is vitiated. The enquiry committee has put certain questions to the witnesses on behalf of the management for clarification. In the decision reported in 1975 Supreme Court 2125 between Mulchandani Electrical and Radio Industries Ltd. v/s. The Workmen it has been held that the Enquiry Officer in a domestic enquiry can put questions to the witnesses for clarification wherever necessary and if he allows the witnesses to be cross-examined thereafter, the enquiry proceeding cannot be impeached as unfair. In the decision reported in 1995 II LLJ between Pravin Ratilal Dudhara and Municipal Corporation of Greater Bombay, the Bombay High Court has held that the fact that the Presenting Officer was not appointed during the enquiry would not vitiate the proceedings and the Enquiry Officer did not overstep in putting the questions and he had merely asked clarificatory questions of the witnesses. Therefore, in view of the above two decisions, the argument of the learned counsel appearing for the charge sheeted employee that the enquiry committee had put questions to the witnesses and recorded their answers and it is improper and it has vitiated the enquiry is not a tenable one. The questions put to the defence witnesses by the enquiry committee also cannot be described as a cross-examination by the enquiry committee in view of the fact that there was no Prosecuting Officer and the questions put to the witnesses by the enquiry committee is only to get clarification. Unless it is shown that some prejudice is caused to the worker on account of the questions put to the witnesses by an enquiry committee it cannot be stated that the enquiry as a whole is vitiated as not fair and proper.

7. The learned counsel appearing for the worker has argued that Snag book in which he has recorded snag to the vehicle on 22-3-87 was not produced and

it was caused prejudice to the worker. It is no doubt that the worker and his colleague have asked for the Snag book to be produced. The enquiry committee has recorded that a communication has been received from the department to the effect that the snag book is not available and therefore, it could not be produced and it has been informed to the worker also. The report of the enquiry committee shows that subsequently the worker did not insist upon the production of the snag book and he has accepted as to why the snag book was not produced. Therefore, non-production of the snag book cannot be sufficient to hold that the enquiry as a whole is vitiated. In the present case, it is a specific case of the management that the vehicle in question in which the worker has alleged two snags has been allocated to another driver by name Mr. Fernandes and it was driven by him without any snag being recorded. According to the learned counsel Mr. Fernandes has not been examined. There is nothing wrong in it. It has been the specific case of the management that the charge sheeted employee was never in the habit of wearing uniform while on duty which is a violation of rule 50. The learned counsel who refers to the above rule would contend that as per this rule categories of employees he may be specified from time to time shall while on duty wear uniform supplied to them and it means that they should wear the uniform only when they are discharging their duties and not when they report for duty. According to the learned counsel on 12-3-97 he was not in uniform only when he reported before Mr. Jagmohan Singh and it cannot be stated that he was on duty at that time. It is the specific case of Jagmohan Singh and the other witness examined on behalf of the management that the charge sheeted employee is not in the habit of wearing full uniform while on duty. Even the defence witness Mr. Katkar has admitted that the charge sheeted employee was not wearing full uniform when he reported for duty before Mr. Jagmohan Singh. The first reaction of the workman on receipt of the charge sheet is seen from his reply dt. 20th March, 1987. He has stated that most of the staff do not wear the uniform during the duty period and he has been pin pointed and issued with the letter dt. 17th March, 1987 regarding wearing of uniform while on duty. The fact that he was not wearing uniform is not denied by him. The worker wants to justify his action of not wearing uniform by saying that the other staff also do not wear the uniform during their duty period. In fact, the worker has requested the enquiry committee also to have an inspection to find out whether all the other employees were in uniform since according to the workman the other workers also did not by the management and it has caused prejudice to the workman. The worker has admitted in his evidence that he has not asked for examination of Mr. Fernandes before the committee in writing. It is also admitted by him that he has not examined Mr. Fernandes as his defence witness. It is needless to point out that the worker cannot compel the management to examine any particular person as the management witness. In the case on hand he has not even asked the management of the enquiry committee to examine Mr. Fernandes as a management witness. Therefore he cannot have any grievances over the non-examination of Mr. Fernandes

as management witness. The worker has not chosen to examine Mr. Fernandes. If he has desired to examine witness as defence witness and he has been deprived of an opportunity to examine Mr. Fernandes it can be stated that it has caused prejudice but when he has not even admitted to examine Mr. Fernandes as a defence witness, on this ground also the employee cannot have any grievance.

8. From the above materials I am of opinion that the case of the management that the charge sheeted employee has alleged some snags to the vehicle he was directed to drive is only to give a lame excuse for not obeying the orders.

9. The learned counsel appearing for the worker who has referred the above materials to establish that the enquiry is not fair and proper has also agreed that the finding of the enquiry committee is perverse. According to the learned counsel every worker is provided with a locker where they can keep their personal materials including their uniforms and the worker comes in civil dress and changes to uniform. They wear uniform while on duty. The enquiry committee has rejected the request made by the worker to have a local inspection on the ground that the fact that the other worker did not wear a uniform cannot justify the charge sheeted employee reporting for duty without wearing uniform. The charge sheeted employee is said to be not wearing uniform not only on 12th March 1997, but subsequently also in spite of specific instruction by Mr. Jagmohan Singh to the Transport Office not to allocate any work to the charge sheeted employee if he reports for duty without wearing uniform. The two letters addressed subsequently to the worker are also to the effect that he was not wearing uniform subsequently also. These facts go to show that the charge sheeted employee was not wearing uniform. Ever since he was transferred to this unit and he wants to justify his action by stating that others are also not wearing uniform. It cannot be stated that the worker has not violated the rule 50. Further, the argument of the learned counsel appearing for the worker that he was not on duty at the time of reporting to Mr. Jagmohan Singh without wearing uniform is not acceptable since reporting to the Transport Superintendent is an act to be done by the worker after punching his card 'IN' and when once the punching card is punched to show that the worker is in. It means that he has come for duty and till the punching card is punched 'OUT' he is presumed to be on duty. Therefore, the argument of the learned counsel for the workman that it is only when the worker reported before Mr. Jagmohan Singh he was not wearing uniform and it cannot be stated that he was not in uniform while on duty cannot hold water. Therefore, the finding of the Enquiry Officer on this aspect is well founded and it cannot be stated as a perverse one.

10. The next argument of the learned counsel appearing for the workman is that there is no one to speak that the worker has retained the punching card with him in order to justify the Enquiry Officer that the workman has committed breach of the rules applicable to the establishment and commission of an Act subversive of discipline. It is admitted by the worker

that he has taken the photo copy of the punching card on 19th March, 1997 after punching it 'IN' on the apprehension that it may be tampered with. It is also admitted by him that subsequently he has not taken any photo copy of the punching card. Photo copy of the punching card was taken by the worker not in his unit but in some other unit. Therefore, the worker had not left the punching card after punching it 'IN' in the desk where it should have been left and he had taken it with him has been proved by the evidence placed before the enquiry committee. The evidence of Mr. George Boodle and his report dt. 18-3-87 shows that the worker punches his card 'IN' and 'OUT' and keeps the card with himself and not in the usual place on the bench. This evidence is not challenged by the worker as a incorrect one. Therefore, the finding of the Enquiry Officer on this aspect is proper and it cannot be said to be a perverse one.

11. As regards the charge sheet of disobedience is concerned we have already seen that the worker has not driven the vehicle allocated to him on 12-3-87 under the pretext that there was some snag in the vehicle. Therefore, the finding of the Enquiry Officer on this aspect also cannot be said to be a perverse one. In the decision reported in 1977 Supreme Court page 1512 between State of Haryana and another v/s. Rattan Singh, the apex Court has held that in a domestic enquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply and all materials which are logically probative for a prudent mind are permissible. The enquiry committee on an appraisal of the evidence placed before it which are logically probative has accepted the case and has given the finding that the charges against worker has been proved. It cannot be stated that it is a perverse one for the reasons stated by the learned counsel appearing for the employee. When we consider all these aspects we have to hold that the enquiry conducted by the enquiry committee on the three charges framed against the second party worker is just fair and proper and the finding of the enquiry officer on all the three charges are reasonable and cannot be termed as a perverse one. The point is answered accordingly.

Put up for hearing the parties on the question of sentence on 8th Feb. 1999.

Sd/-

C. V. GOVARDHAN, Presiding Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NO 1, MUMBAI

PRESENT

Shri Justice C. V. Govardhan, Presiding Officer.
REF. NO. CGIT-45 OF 1995

PARTIES :

Employers in relation to the management of
Air-India

AND

Their Workmen.

APPEARANCES :

For the Management : Ms. E. Pereira, Advocate.

For the Workman : Mr Mokashi, Advocate.

STATE : Maharashtra.

Mumbai, dated the 27th day of May, 1999

AWARD PART-II

1. In the Part-I Award passed on 8th Feb. 1999 it is held that the enquiry conducted by the Enquiry Committee on the three charges against the second party is justified, fair and proper and the findings of the Enquiry Officer on all the three charges are reasonable and cannot be termed as a perverse one. Now this matter has again been taken up for hearing the parties on the question of punishment.

2. The learned counsel appearing for the workman would contend that in the reference it is stated whether the action of the management in reducing the basic pay of Shri B.B. Tupsundare, Driver from Rs. 450/- to Rs. 320/- (Pre-revised scale) is legal and justified. If not, to what relief the workman is entitled to and this reference this gives ample powers to this tribunal to decide the justification or otherwise of the punishment imposed on the workman. According to the learned counsel, the workman is an office bearer of the union and also an active member of the Union and therefore, the punishment imposed on the workman is by way of victimisation. As regards the allegation of victimisation is concerned it has been held in the decision reported in 1976 page 98 between M/s. Bharat Iron Works, Vs. Bhagubhai Balubhai Patel and others as follows :

"Victimisation is a serious charge by an employee against an employer, and, therefore, it must be properly and adequately pleaded given all particulars upon which the charge is based to enable the employer to fully meet them. The fact that there is a union espousing the cause of the employees in legitimate trade union activity and the employee is a member or active office-bearer thereof, is, per se no crucial instance.

The onus of establishing a plea of victimisation will be upon the person pleading it. Mere allegations vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced".

In the case on hand except a mere allegation that the workman is an active member of the Union and was previously an office bearer of the Union, no material has been placed before this Tribunal to hold that the workman was charge sheeted and was punished for a misconduct only to victimise him for his trade union activities and not for any other purpose. The mere allegation has been held to be not-sufficient by the Supreme Court to hold that there is victimisation. Therefore, I am of opinion that the contention of the learned counsel appearing for the workman that the

workman was victimised for his trade union activities and therefore, the punishment should be held to be unjustified is not a tenable one. It is also contended by the learned counsel appearing for the workman that the management has shown discrimination between his workers in framing a charge, holding an enquiry and giving him a punishment while other employees and workmen like that of the present workman herein were also doing the very same misconduct of not wearing uniform and no action is taken against them. The Enquiry Committee has rejected the contention of the worker by stating that the other workmen did not wear uniform cannot justify the workman herein reporting for duty without uniform. The worker herein has been cross-examined after Part-I Award was passed for the purpose of this enquiry. During cross examination he has stated that he was issued with 10 to 12 charge memos within a span of 2 years. He has admitted that the memos were for various other reasons such as not wearing uniform while on duty etc. but he has not stated that the other workmen were also served with memos for not wearing uniform and faced enquiries like him and they were let off with a warning or with some other minor punishment when the workman herein has been served with 10 to 12 memos within a span of 2 years for the misconduct of refusal of duties, not wearing uniform etc. Unless it is shown by the workman that the other workmen were also served with a number of memos like him for misconduct and yet they were let off with a warning or some other punishment, his case of discrimination is not convincing and acceptable. It may be some other workmen have committed the same misconduct for the first time or second time in which case the management had decided to let them off with a warning or some minor punishment unlike the workman herein who was issued with 12 memos during a period of two years. Discrimination can be said to have been shown only if all the workmen are in the same status. In the absence of any such evidence the theory of discrimination also has to find.

3. The learned counsel appearing for the management would argue that the legal position is well settled after the introduction of Section 11-A of the I.D. Act where Labour Court has powers to mould and give proper reliefs in case of discharge or dismissal of workmen and not in other cases. He has also relied upon the decision reported in 1997 2 CLR page 312 between USV Ltd. Vs. Maharashtra Central Kamgar Union & Anr. and 1995 1 CLR page 567 between Rajasthan States Road Transport Corporation & Anr. Vs. Judge, Industrial Tribunal, Bikaner & Ors. for the proposition that Provisions of Section 11 are applicable only in cases of discharge or dismissal of workmen. According to the learned counsel in the case on hand a very minor punishment of reduction of pay has been imposed and Section 11-A of the I.D. Act cannot be pressed into service to set aside the punishment. The learned counsel appearing for the workman would on the other hand argue that when the reference issued required this tribunal to decide whether the punishment is legal and justified it must be held that the tribunal has ample powers to decide the justification of the punishment and there is nothing wrong in setting aside the punishment after holding that it is not justified on account of the discrimination and victimisation shown to the worker.

It is no doubt true that the reference is to the effect whether the action of the management in reducing the basic pay of Shri B. B. Tupsundare is legal and justified. But that cannot empower the tribunal to exercise its powers under Section 11-A of the I.D. Act to set aside the punishment holding that the punishment is not justified etc. The reference can only be in accordance with the statute. When this tribunal has no powers under Section 11-A to interfere with the punishment imposed on a workman who has not been dismissed or discharged, the prayer by the workman to set aside the punishment of reducing the basic pay by exercising powers under Section 11-A cannot be a tenable one.

4. Considering all these aspects, I am of opinion that the punishment imposed on the workman is legal and justified and does not call for any interference.

5. In the result a Part-II Award is passed holding that the punishment of reduction of basic pay imposed by the management on the workman is legal and justified and does not call for any interference.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 16 जुलाई, 1999

का.आ. 2262.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स एयर इंडिया लिमि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-7-99 को प्राप्त हुआ था।

[सं. एल-11012/14/97-आई.आर. (सी-I)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 16th July, 1999

S.O. 2262.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Air India Ltd. and their workman, which was received by the Central Government on 15-7-99.

[No. L-11012/14/97-IR(C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Monday, the 1st Day of March, 1999

Present :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 63 OF 1998

2203 GI/99-9

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of The Regional Director, Air India, Anna Terminal, Chennai-27).

BETWEEN

Sri K. K. Venugopal, 82 Ellamuthu Anna Koil St., Palavanthangal, Chennai-600 114.

AND

The Regional Director,
Air India,
Anna Terminal,
Chennai-600 027.

REFERENCE :

Order No. L-11012/14/97-IR (C-I), dated 10-3-1998 Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Smt. B. Krishnaveni, Advocate appearing for the Management and the Workman being absent, this Tribunal passed the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Air India, Anna Terminal, Madras in denying the employment to Sri K. K. Venugopal, Casual Labour, Air India Cabin Catering Section w.e.f. 2-5-91 is justified or not ? If not to what relief is the workman entitled?

Publication effected.

Petitioner called absent. Claim statement not filed. Dismissed for default.

Dated, this 1st day of March, 1999.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 23 जुलाई, 1999

का.आ. 2263.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, स. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-99 को प्राप्त हुआ था।

[सं. एल-20012/212/96-आई.आर. (सी-I)]

श्याम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 23rd July, 1999

S.O. 2263.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2,

Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd., and their workman, which was received by the Central Government on 20-7-99.

[No. L-20012/212/96-IR(C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2) AT
DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 106 OF 1997

PARTIES :

Employers in relation to the management of Amlabad Colliery of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workmen : Shri S. C. Gaur, Advocate.

On behalf of the employers : Shri H. Nath, Advocate.

STATE : Bihar INDUSTRY : Coal

Dated, Dhanbad, the 13th July, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/212/96-IR(C-I), dated, the 18th September, 1997.

SCHEDULE

"Whether the demand of the Union that Sh. Vidyapati Vishwakarma should be promoted as Cap Lamp Room Incharge w.e.f. 26-11-1990 is justified? If so, to what relief is the workman entitled?"

2. In this case both the parties appeared and filed their respective W. S. Subsequently when the case was fixed learned Advocate for the workman submitted a petition praying before this Tribunal to pass a 'No dispute' Award in this reference. I heard both the parties upon the said petition and no objection raised on the side of the management. Under such circumstances, a 'No dispute' Award is being rendered and the reference is being disposed of on 'No dispute' Award basis on the presumption of non-existence of any industrial dispute between the parties.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 23 जुलाई, 1999

का.सं. 2264—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन आयरन एंड स्टील कं. लिमि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-7-99 को प्राप्त हुआ था।

[सं. एल-20012/475/94-आई.आर. (सी-1)]

प्रियम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 23rd July, 1999

S.O. 2264.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Iron and Steel Co. Ltd. and their workmen, which was received by the Central Government on 20-7-99.

[No. L-20012/475/94-IR (C-I)]

S. S. GUPTA Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 150 of 1995

PARTIES :

Employers in relation to the management of Indian Iron and Steel Co. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. K. Verma, Advocate.

On behalf of the employers : Shri B. Joshi Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 13th July, 1999

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/475/94-IR, (Coal-I), dated, the 3rd November, 1995.

SCHEDULE

"Whether the demand of the Union for regularisation, by the management of Chasnalla South Mine of M/s. IISCO Ltd. of Shri Raghunath Pd. Mahanti and 23 others (as per list enclosed) in Category-IV is justified? If so to what relief are the concerned workmen entitled?"

2. In this reference both the parties appeared before this Tribunal through their learned Advocates and filed their respective W.S. The case then proceeded along its course. Subsequently when the case was fixed, learned Advocate for the workman by filing a petition prayed before this Tribunal to pass a 'No Dispute' Award on the ground stated in the

petition. I heard both the parties upon that petition and no objection raised on the side of the management. Under such circumstances, a 'No Dispute' Award is being rendered and the reference is disposed of on 'No Dispute' Award basis, on the presumption of non-existence of any industrial dispute between the parties.

B. B. CHATTERJEE, Presiding Officer

LIST OF WORKMEN

1. S/Shri Almu Khan.
2. Gopal Gope.
3. Chandika Yadav.
4. Avi Das.
5. Subash Behra.
6. Bipra Gaura.
7. R. N. Pd. Mahato.
8. Chameshwar Singh
9. Munilal Jaiswara.
10. Md. Sarif.
11. Pauli Mia.
12. Md. Mumtaj.
13. Md. Ibrahim.
14. Hazir Das.
15. Ramgati Paswan.
16. Dilshi Mahato.
17. Hiralal Rajbhar.
18. Md. Mahbub.
19. Kailash Mahato.
20. Jitan Yadav.
21. Kameshwar Mahato.
22. Rameshwar Yadav.
23. Md. Ishaque.
24. Sheo Nath Saw

नई दिल्ली, 21 जुलाई, 1999

का.आ. 2265.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 अगस्त, 1999 को उस तारीख के रूप में नियत करती है, जिसकी उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 (धारा-76 की उपधारा-(1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध असम, राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:—

“सिलचर नगर पालिका के अधीन तथा सिलचर राजस्व सर्कल के अन्तर्गत आने वाले राजस्व ग्राम सिलचर टाउन, अंबिका पुर, उत्तर कुण्ठा पुर, कनकपुर, उकिल बाजार, तारापुर, रंगपुर, दुर्गा नगर, गोमाईपूर, श्रीकोना।

बरकपुर मीजा के अन्तर्गत तारापुर, पी.एच.—
बरकपुर, रंग पी.एच.—बरकपुर, उधर ब्रोंड तथा राजनगर।

[संख्या एस-38013/12/99-एस एस-1]

जे.पी. शुकला, अधीन सचिव

New Delhi, the 21st July, 1999

S.O. 2265.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st August, 1999 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapters V and VI except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Assam, namely:—

“Areas under Silchar Municipal Corporation falling within Silchar Revenue Circles including the Revenue Village-Silchar Town, Ambicapur, Uttar Krishnapur, Kanakpur, Ukilbazar, Tarapur, Rangpur, Durganagar, Gosaipur, Srikona, Under Mouza-Barakpur, Tarapur, Ph-Barakpur, Rang Ph-Barakpur, UdhARBond, Rajnagar”

[No. S-38013/12/99-SS.1]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 21 जुलाई, 1999

का. आ. 2266.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91 क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम प्रवर्तन में मसौदा हुगली डाक एण्ड पोस्ट इंजीनियर्स लिमिटेड, कलकत्ता के पंजीकृत हेड ऑफिस में नियुक्त नियमित कर्मचारियों की 28 जून, 1984 से 31-8-1999 तक की जिसमें यह दिनांक भी सम्मिलित है की अवधि के लिए छूट प्रदान करती है।

2. पूर्वोक्त छूट की शर्तें निम्नलिखित हैं, अर्थात्:—

(1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित हैं, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दिखाये जायेंगे,

(2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रसुविधाएं प्राप्त करते रहेंगे, जिसको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संदत्त अभिदायों के आधार पर हकदार हो जाते,

(3) छूट प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही किए जा चुके हों तो वे वापस नहीं किये जायेंगे,

(4) उक्त कारखाने का नियोजक, उक्त अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे इसमें इसके पश्चात् “उक्त अवधि” कहा गया है), ऐसी विवरणियां ऐसे प्रारूप में और ऐसी विनिर्दिष्टों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देती थी,

(5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

(1) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विनिर्दिष्टों को सत्यापित करने के प्रयोजनार्थ,

New Delhi, the 21st July, 1999

(ii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं, या

(iii) यह अभिनिश्चित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गये उन फायदों को, जिसके प्रतिफल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं, या

(iv) यह अभिनिश्चित करने के प्रयोजनार्थ कि उप-अवधि के दौरान, जब उक्त कारखाने के सम्बन्ध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं

निम्नलिखित कार्य करने के लिए सशक्त होगा :—

(क) प्रधान या अव्यवहित नियोजक से अपेक्षा करने की वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है,

(ख) ऐसे प्रधान या अव्यवहित नियोजक के अधि-भोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संवाय से संबंधित ऐसे लेखा, बहियाँ और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें, या उन्हें ऐसी जानकारी दें, जिसे वे आवश्यक समझते हैं, या

(ग) प्रधान या अव्यवहित नियोजक की, उसके अभि-कर्ता या सेवक की, या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाये, या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गये किसी रजिस्टर, लेखा बही या अन्य दस्तावेज की नकल तैयार करना या उसमें उद्धरण लेना ।

[संख्या एस.-38014/14/96-एस. एस. 1]

जय प्रकाश शुक्ल, अव्वर सचिव

स्पष्टीकरण ज्ञापन :—इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन पर कार्यवाही करने में समय लगा था, किन्तु यह प्रमाणित किया जाता है कि छूट को भूतलक्षी भूप्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा ।

S.O. 2266.—In exercise of the power conferred by Section 88 read with Section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby exempts the regular employees of Registered Head Office of M/s. Hooghly Dock & Port Engineers Ltd., Calcutta from the operation of the said Act for a period with effect from 28th June, 1984 up to and inclusive of the 31st August, 1999.

2. The above exemption is subject to the following conditions namely :—

(1) The aforesaid establishment wherein the employees are employed shall maintain a register showing the name and designations of the exempted employees ;

(2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates ;

(3) The contributions for the exempted period, if already paid, shall not be refunded ;

(4) The employer of the said factory/establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;

(5) Any inspector appointed by the Corporation under sub-section (1) of Section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of :—

(i) verifying the particulars contained in any return submitted under sub-section (1) of Section 44 for the said period ; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period ; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification ; or

(iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory to empower to :

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary ; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary ; or,

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or

(d) make copies of or take extracts from any register, accounts book or other document maintained,

in such factory, establishment, office or other premises

[No. S-38014/14/96-SS. I]

J. P. SHUKLA, Under Secy.

Explanatory Memorandum.—It has become necessary to give retrospective effect to the exemption in this case as processing of the applications for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

नई दिल्ली, 23 जुलाई, 1999

का. आ. 2267.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91-क के साथ पठित धारा 87 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स हिन्दुस्तान एंटीबायोटिक्स लि. पिम्परी, पुणे को उक्त अधिनियम के प्रवर्तन से 1 जुलाई, 1988 से 30 जून, 1989 तक की जिसमें यह तारीख भी सम्मिलित है, एक साल की अवधि के लिए छूट देती है।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात् :—

(1) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवृत्त था (जिस इस्में इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियाँ ऐसे प्ररूप में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी,

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक या इस निमित्त प्राधिकृत निगम का कोई अन्य पदधारी, —

(i) धारा 44 की उपधारा (i) के अधीन, उक्त अवधि के लिए दी गई किसी विवरणी की विशिष्टियों को स्थापित करने के प्रयोजनों के लिए, या

(ii) यह अभिनिश्चित करने के प्रयोजनों के लिए कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं, या

(iii) यह अभिनिश्चित करने के प्रयोजनों के लिए कि कर्मचारी, नियोजक द्वारा दी गई उन प्रसुविधाओं को, जो ऐसी प्रसुविधाएँ हैं जिनके प्रतिकूल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हकदार बना हुआ है, या नहीं, या

(iv) यह अभिनिश्चित करने के प्रयोजनों के लिए कि उस अवधि के दौरान, जब उक्त कारखाने के सम्बंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किसी उपबंधों का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने के लिए सशक्त होगा:—

(क) प्रधान नियोजक या अव्यवहित नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या

(ख) ऐसे प्रधान नियोजक या अव्यवहित नियोजक के अधिशोग में के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके भारमाधक व्यक्ति से यह अपेक्षा करना कि वह व्यक्ति/व्यक्तियों के नियोजन और मजदूरी के संदाय में संबंधित ऐसे लेखावहियाँ और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने दे या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या

(ग) प्रधान नियोजक या अव्यवहित नियोजक की, उसके अधिकर्ता या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाये या, ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गये किसी रजिस्टर, लेखावही या अन्य दस्तावेज की नकल करना या उसमें उद्घरण लेना।

[संख्या एस. -38014/52/97-एस.एस.-I]

जय प्रकाश शुक्ल, अवर सचिव

स्पष्टीकारक ज्ञापन:— इस मामले में छूट को भूतलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट का आवेदन पत्र देरी से प्राप्त हुआ था। किन्तु यह प्रमाणित किया जाता है कि छूट को तलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 23rd July, 1999

S.O. 2267.—In exercise of the powers conferred by Section 87 read with Section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts M/s. Hindustan Antibiotics Limited, Pimpri, Pune from the operation of the said Act for a further period of one year with effect from 1st July, 1988 up to and inclusive of the 30th June, 1989.

2. The above exemption is subject to the following conditions, namely :—

(i) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950.

(2) Any Inspector appointed by the Corporation under sub-section (1) of Section 45 of said Act or other official of the Corporation authorised in this behalf shall, for the purpose of :—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the said Act has been complied with during the period when such provisions were in force in relation to the said factory; be empowered to :—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce such Inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant or any person found in such factory, establishment, office or other premises or any person whom the said Inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises.

[File No. S-38014/52/97-SS. I]

J. P. SHUKLA, Under Secy.

Explanatory Memorandum.—It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect interest of any body adversely.

(रोजगार एवं प्रशिक्षण महानिदेशालय)

शुद्धि पत्र

नई दिल्ली, 26 जुलाई, 1999

का. आ. 2268.—भारत के राजपत्र (अ) भाग 2, खंड 3, उप खंड (ii) में प्रकाशित का. आ. सं. 426(अ) दिनांक 9 जून, 1999 के हिन्दी पाठ में :—

श्रेणी "घ" में क्रम सं. 22 में "दादर" के स्थान पर "दादरा" पढ़ें।

[सं. डी जी ई टी. 8(1)/97-ए. पी.]

मणिता मिश्र, अधीक्षक सचिव

(Directorate General of Employment and Training)

CORRIGENDUM

New Delhi, the 26th July, 1999

S.O. 2268.—In the notification of the Government of India in the Directorate General of Employment and Training, Ministry of Labour number S.O. No. 426(E) dated the 9th June, 1999 published in the Gazette of India (Extraordinary), Part II, Section 3, Sub-Section (ii), dated the 9th June, 1999 :—

under heading C. Representatives of Central Government under serial number for word "Deptament" read "Department".

under heading D. Representatives of the State Union Territories under serial number 6 for "Prdesh" read "Pradesh".

under heading D. Representatives of the State Union Territories under serial number 22, for "Dadar" read "Dadra".

[No. DGET 8/1/97-AP]

SARITA MITTAL, Under Secy.

नई दिल्ली, 9 जुलाई, 1999

का.आ. 2269.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रिजर्व बैंक आफ इंडिया के प्रबन्धन के संबंध में निविष्ट, औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट को को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-07-1999 को प्राप्त हुआ था।

[सं. एल-12011/21/96-आई.आर. (बी-1)]

जी रॉय, डेस्क अधिकारी

New Delhi, the 9th July, 1999

S.O. 2269.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Reserve Bank of India and their workman, which was received by the Central Government on 7-7-1999.

[No. L-12011/21/96-IR (B-1)]

G. ROY, Desk Officer

अनुबन्ध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर ।

केस नं. : सी.आई.टी./बी-9/98

विज्ञप्ति संख्या : एल-12011/21/96 आई.आर. (डी.यू.)

चीफ जनरल मैनेजर,
रिजर्व बैंक ऑफ इण्डिया,
रामबाग सर्किल, पोस्ट बैंग नं.-12,
टोक रोड, जयपुर ।

बनाम

चीफ सेक्रेटरी,
रिजर्व बैंक वर्कर्स यूनियन, जगिए
रिजर्व बैंक ऑफ इण्डिया,
रामबाग सर्किल, टोक रोड, जयपुर ।

उपस्थित : बैंक की ओर से — कोई श्री श्रीपाल, महाप्रबंधक
श्री अशोक कुमार शर्मा,
महायक प्रबंधक

यूनियन की ओर से — कोई नहीं ।

पंचाट तारीख : 23.6.99

पंचाट

केन्द्रीय सरकार के आदेश द्वारा उक्त विज्ञप्ति के जगिए
निम्न विवाद इस अधिकरण को न्याय निर्णयन हेतु निर्देशित
किया गया है:—

“Whether the action of the management of Reserve Bank
of India Jaipur is justified in ordering for deduction
of wages of 64 Class-IV Employees for 21712.94
vide order no. 298-94/95 dated 29-3-95 ? If not what
relief the workmen are entitled to?”

उक्त निर्देश इस अधिकरण को दिनांक 26.10.98
को प्राप्त हुआ । निर्देश में उक्त यूनियन के मुख्य सचिव
को निर्देश दिया गया था कि निर्देश आदेश की प्राप्ति के
अन्दर 15 दिवस क्लेम फाईल करें, परंतु कोई क्लेम
प्रस्तुत नहीं किया गया । उक्त मुख्य सचिव को जगिए
रजिस्टर्ड ए.डी. नोटिस भेजा गया कि वे तारीख
23.6.99 को स्टेटमेंट आफ क्लेम प्रस्तुत करें । नोटिस
उन्हें प्राप्त हो गया, परंतु न तो मुख्य सचिव उपस्थित आये
और न ही कोई क्लेम फाईल किया गया, जिससे ऐसा प्रकट होता
है कि उक्त यूनियन को क्लेम फाईल करने में कोई रुचि
नहीं है । ऐसी परिस्थितियों में विवाद रहित पंचाट पारित

किया गया । पंचाट की प्रतिलिपि केन्द्रीय सरकार को
औद्योगिक विवाद अधिनियम 1947 की धारा 17(1) के
अन्तर्गत प्रकाशनार्थ प्रेषित की जाए ।

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पीठासीन अधिकारी

नई दिल्ली, 9 जुलाई, 1999

का.आ. 2270—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय
सरकार रिजर्व बैंक ऑफ इण्डिया के प्रबंधन के संबंध
नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण,
जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार
को 07-07-1999 को प्राप्त हुआ था ।

[सं. एल-12011/23/96-आई.आर. (बी-1)]
जी. रॉय, डेस्क अधिकारी

New Delhi, the 9th July, 1999

S.O. 2270.—In pursuance of Section 17 of the
Industrial Dispute Act, 1947 (14 of 1947), the
Central Government hereby publishes the award of
the Central Government Industrial Tribunal, Jaipur
as shown in the Annexure in the Industrial Dispute
between the employers in relation to the manage-
ment of Reserve Bank of India and their workman,
which was received by the Central Government on
7-7-1999.

[No. L-12011/23/96-IR (B-I)]
G. ROY, Desk Officer

अनुबन्ध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम
न्यायालय, जयपुर

केस नं. : सी.आई.टी./बी.-10/98

विज्ञप्ति संख्या : एल-12011/23/96-आई.आर. (डी.यू.)

चीफ जनरल मैनेजर,
रिजर्व बैंक ऑफ इण्डिया,
रामबाग सर्किल, पोस्ट बैंग नं.-12,
टोक रोड, जयपुर ।

बनाम

चीफ सेक्रेटरी,
रिजर्व बैंक वर्कर्स यूनियन, जगिए
रिजर्व बैंक ऑफ इण्डिया,
रामबाग सर्किल, टोक रोड, जयपुर ।

उपस्थित : बैंक की ओर से—श्री श्रीवान, महाप्रबंधक
श्री अशोक कुमार शर्मा,
सहायक प्रबंधक

यूनियन की ओर से—कोई नहीं।

पंचाट तारीख : 23-6-99

पंचाट

केन्द्रीय सरकार के आदेश द्वारा उक्त विशिष्ट के
जर्गन निम्न विवाद इस अधिकरण को न्याय निर्णयन
हेतु निर्देशित किया गया है :—

“Whether the office order dated 27-5-95
issued by the Reserve Bank of India,
Jaipur for deducting the 1/3 of wages of
workman Shri Bacchu Singh & 15 others
(as per annexure) for 14-4-95 is justified? If not, what relief to the workmen
is entitled to?”

उक्त निर्देश इस अधिकरण को दिनांक 26-10-98
को प्राप्त हुआ। निर्देश में उक्त यूनियन के मुख्य सचिव

को निर्देश दिया गया था कि निर्देश आदेश की प्राप्ति
के अन्दर 15 दिवस केम फाईल करें, परन्तु कोई केम
प्रस्तुत नहीं किया गया। उक्त मुख्य सचिव को जर्गन
रजिस्टर्ड ए.डी. नोटिस भेजा गया कि वे तारीख
23-6-99 को स्टेटमेंट ऑफ केम प्रस्तुत करें। नोटिस
उन्हें प्राप्त हो गया, परन्तु न तो मुख्य सचिव उपस्थित
आये और न ही कोई केम फाईल किया गया, जिससे
ऐसा प्रकट होता है कि उक्त यूनियन को केम फाईल
करने में कोई रुचि नहीं है। ऐसी परिस्थितियों में
विवाद रहित पंचाट पारित किया गया। पंचाट की
प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम,
1947 की धारा 17(1) के अन्तर्गत प्रकाशनार्थ प्रेषित
की जाये।

ह. -

पीठासीन अधिकारी